



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

GIFT OF
GEORGE C. MAHON, Esq.,

TO THE LIBRARY OF THE
UNIVERSITY OF MICHIGAN.

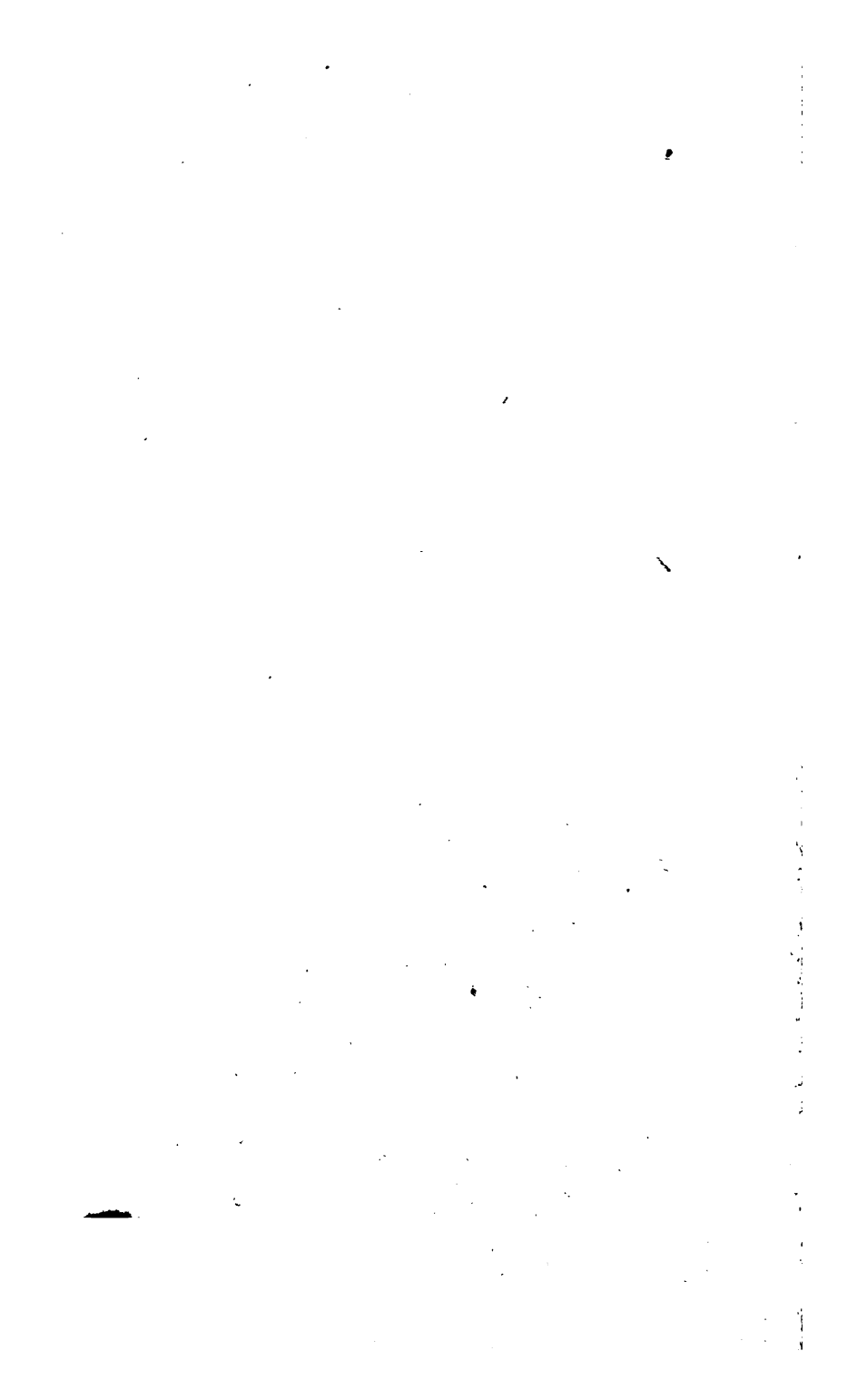
Maurice O'Hagan, Esq.,
Dermod MacMurrough, King of Leinster.
The Story of King Richard II. being in Ire-
land. King James I. Plan for the Division
and Plantation of Ulster among Scotch and
British Undertakers. The Orders and Condi-
tions to be observed by the Undertakers.
Pynnar's Survey of the Six Escheated Counties
after the Settlement of said Plantation; with
several other rare and curious Tracts relating
to Ireland, 8vo, calf, 12s. 6d. *Dublin, 1770*

DA

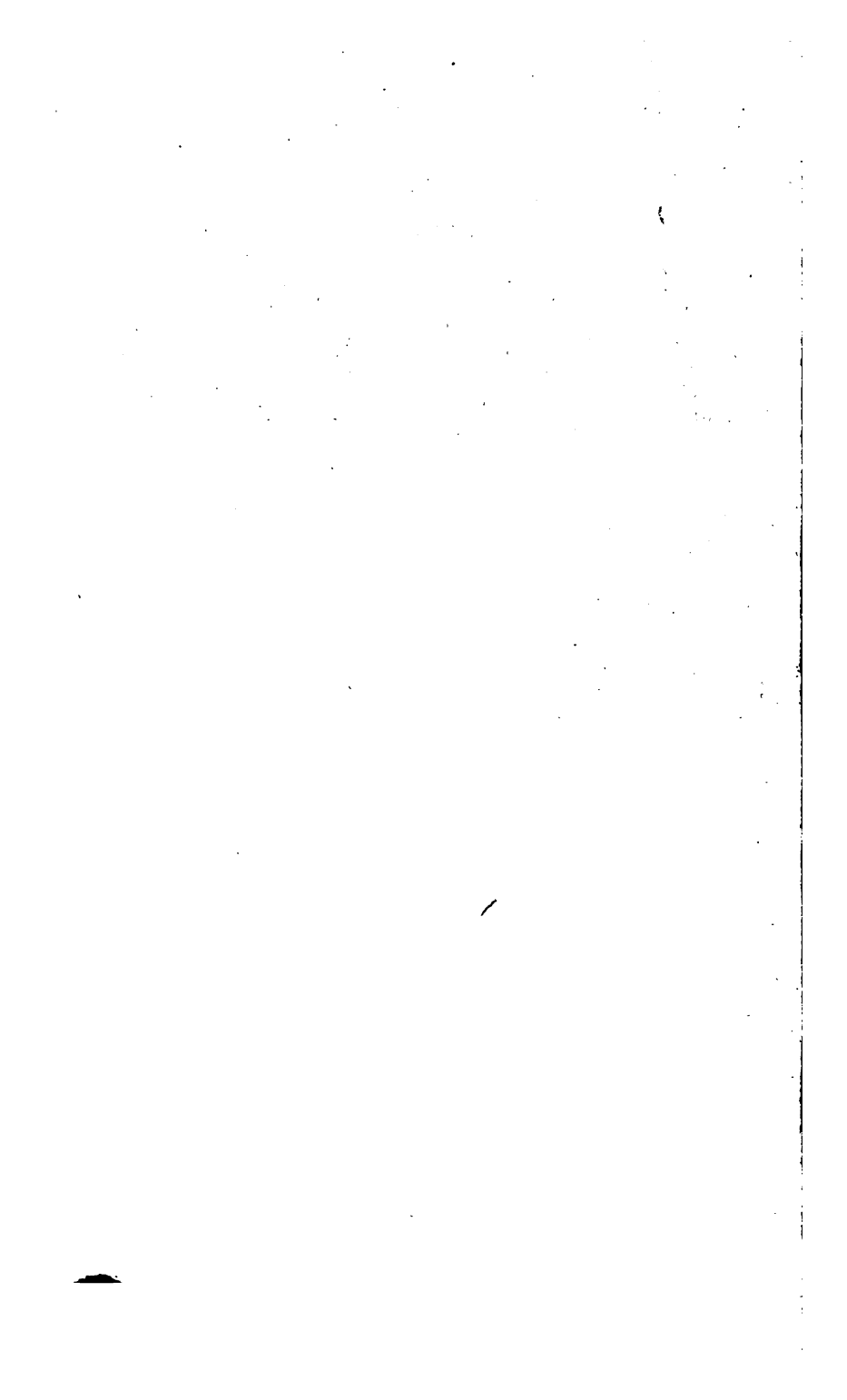
90.

H3.

177







Chie

Phil. Tr. 10, 1237

John - Lewis - Ad.

H I B E R N I C A:

Or, some Antient P I E C E S relating to 32294

I R E L A N D.

P A R T I 1

C O N T A I N I N G,

- I. The History of *Ireland* by *Maurice Regan*, Servant and Interpreter to *Dermot Mac-Murrough*, King of *Leinster*, translated from the *Irish* into *French*, and from thence into *English* by *Sir George Carew*, Lord President of *Munster*. To which are added, Notes to illustrate some dark Passages therein.
- II. The Story of King *Richard II.* his last being in *Ireland*, written by a *French* Gentleman, who accompanied the King in that Voyage, on his leaving *Ireland* in 1399; and translated into *English* by the said *Sir George Carew*.
- III. The Voyage of *Sir Richard Edgecombe*, sent by King *Henry VII.* into *Ireland* in 1488 to take new Oaths of Allegiance from the Nobility and others, who had declared for (the then Pretender) *Lambert Simnell*.
- IV. A Breviate of the getting of *Ireland*, and of the Decade of the same. Written by *Patrick Finglas*, first Chief Baron, and afterwards Chief Justice of *Ireland* in the Reign of King *Henry VIII.*
- V. A Project of King *James I.* for the Division and Plantation of the six escheated Counties of *Ulster* with *British* and *Scottish* Undertakers, Servitors and Natives.
- (VI. Orders and Conditions to be observed by the Undertakers, &c. of the said Plantation.
- VII. A Commission of Inquiry in Order to the Establishment of the said Plantation.
- VIII. Instructions to the said Commissioners.
- IX. A Survey of the said six escheated Counties after the Settlement of the said Plantation, by *Nicholas Pynnar*, Esq.
- X. A Letter from *Sir Thomas Philips* to King *Charles I.* concerning the Defects of the *Londoners* in their Plantation.

To which is added

- XI. An Essay on the Defects in the Histories of *Ireland*, and Remedies proposed for the Improvement thereof. In a Letter to the Right Honourable the Lord *Newport*, Lord Chancellor of *Ireland*, and President of the *Physico-Historical Society* established in *Dublin*.

Antiquam exquirite matrem.

Ita sunt Omnes nostri cives, si quid benefaciat, levior pluma gratia est; si

quid peccatum est, plumbeas iras gerunt.

Virg.

Plaut.

D U B L I N :

Printed for JOHN MILLIKEN, (at No. 10) in Skinner-Row,
M, DCC, LXX.

13.

P R E F A C E.

THE Editor of these Tracts hopes they will meet with a favourable Reception, as they tend to fill up a few void Spaces in the *Irish* History, and may be a Spur to others to send into the World such antient Pieces in their Custody as are of the like Complexion ; if they are not welcome, he has only the Apology of Example to offer, and that too of some considerable Men, namely, of Doctor *Gale*, *Selden*, *Wharton*, Sir *Henry Saville*, Sir *Roger Twissden* and others, to whom *England* is indebted for their curious Editions of some valuable Works of others. Nor ought the Labours of the late Mr. *Thomas Hearne* in this way be passed over in Silence. For our own Country, the great Archbishop *Usher* did not think his time mispent in forwarding into Life a *Collection of antient Irish Epistles*, as Sir *James Ware* did not only the Works fathered on St. *Patrick*, but also the Historical Pieces written by *Spencer*, *Campion*, *Hanmer*, and *Marleborough*. If therefore the Authority and Example of those learned Men do not give Countenance to the Collection now offered, the Editor must be content to submit to Censure, and to defend himself only with the Integrity of his Intentions.

It will be necessary nevertheless to give a general Account of the Writings here published, and the Authors of them, that the Reader himself may judge of their Weight. It will not be denied but that Contemporary Writers must carry the highest Estimation in point of Evidence, as being Eye Witnesses of the Events they relate, especially if they were Men of Rank, and employed in the publick Affairs of Princes, such being the best Judges of the springs and motives of Actions.

P R E F A C E.

I. The Author of the first of the ensuing Pieces, *Maurice Regan*, was a Person of especial Rank in his Country, and descended from Ancestors, who once were Chieftanes of a considerable Territory, called after their Name, *Hy-Regan*, or *O-Regan*, now the Barony of *Tenshinch*, in the Queen's County, since possessed by the *O-Dims*. It is probable that the *O-Regans* or *O-Riegans* (for their Names are written both ways) were driven out of this Territory by some of their intrenching Neighbours; or else we should scarce have found our Author seeking Preferment in the Service of the King of *Leinster*, who (as it appears) placed a great Trust in him. We find him commissioned by that Prince as Embassador into *Wales* to solicit Aids for the Recovery of his Kingdom, of the greatest part whereof he was dispossessed by the Monarch of *Ireland*: and after Earl *Strongbow* was about laying Siege to *Dublin*, he was employed to summon *Asculph Mc. Turkill*, then the Danish King of it, to surrender. We must not therefore entertain too mean an Idea of the Word *Interpreter*, which he modestly assumes in the following Treatise, valuing himself more upon his Learning and Knowledge of Languages, than upon the high Station he bore in the Court of King *Dermod*, which probably was that of *Secretary*. He is called *Latinner* by the *French* Translator, which in the old *Norman* Dialect signifies literally, an *Interpreter*, or, more properly, one who understood the *Roman* Language, a Word that has been corrupted by Sir *Edward Coke** into *Latimer*. This hath given Occasion to the *English* Translator to retain the Word *Interpreter*; but without Violence it may be understood to mean, *Secretary*, who antiently was called *Regi a Mandatis*, and *Regi a Commentariis*, the first of which Senses is satisfied by his being employed as the King's Embassador, and the other by this Treatise, wherein he gives a succinct Commentary or Registry of King *Dermod's* Actions.

He carries on his Account no further than the Siege of *Limerick*, which comprehends the Space of about three Years from the first Invasion; he relates the Actions of that Period with Simplicity and Candour, and omits many Circumstances told by *Giraldus Cambrensis*, which would give

* 2 Inst. p. 515.

P R E F A C E.

one room to judge, that he writes nothing but things of which he was an Eye Witness. Whoever writes the History of *Ireland* during the *English* Period must make this Piece the main Basis of his Account; and the Defects of our Author must be supplied from *Cambrensis*, who, though he was not in *Ireland* during the first Actions of the Conquest, yet came soon enough after to be informed of the Truth, arriving there in the quality of Secretary to *John*, Earl of *Moreton* in the Year 1185.

II. The second Tract, though of a short Compass, yet discovers important Matters, in a manner wholly passed over by the *English* Historians, and but slightly handled by our own. It contains the History of the last Journey of King *Richard II.* into *Ireland*, and his Actions there, which he was determined to have prosecuted to the compleat Reduction of the Kingdom to the *English* Laws, had he not been impeded by the Invasion of his *English* Dominions under the Conduct of *Henry*, Duke of *LANCASTER*, by whom he was deposed. This Treatise was written in Metre by a *French* Gentleman, who accompanied the King in the Voyage, and with the foregoing, was translated into *English* Prose by Sir *George Carew*, lineally descended from *Robert Fitz-Stephen*, one of the first Invaders of *Ireland* in the Reign of King *Henry II.* which Sir *George* was constituted Lord President of *Munster* by Queen *Elizabeth*, and for his faithful Services against the Rebels in *Ireland* was by King *James I.* created Baron *Carew* of *Clopton*, and afterwards by King *Charles I.* Earl of *Totness* in *Devonshire*, and made Master of the Ordnance in *England*. Mr. *Camden* * mentions this noble Man with high respect, “on Account of his great love for Antiquities, and for the light he gave him into some of the Affairs of *Ireland*.” But we must acknowledge ourselves infinitely indebted to him, not only for the Preservation of these two Treatises, and the Memoirs, out of which the accurate History called *Pacata Hibernia* was composed, but for 42 Volumes of Collections relating to the Affairs of *Ireland* in the Settlement thereof after the Rebellion in Q. *Elizabeth*’s Time, in which the whole Country is mapped, and their Towns and Counties excellently described and set out; as we are told in a Letter from *Arthur*

* Brit. p. 606. 1340. Edit. 1722.

[illegible]

3. The first

[illegible]

A FRAGMENT of the

HISTORY

OF

IRELAND,

BY

MAURICE REGAN.

Preface of Sir GEORGE CAREW.

IT appeareth that this History followeing was written by one called *Maurice Regan* (some tymes mentioned in this Discourse) who was Servaunt and Interpreter unto *Dermott Mac Murrough*, Kyng of *Leinster*, and put in French Metre by one of his familiar Acquaintaunce: For thus he writeth in the begynnyng of the Poem.

Parson

A FRAGMENT of

*Parsoen demande Latinner
 L'moi conta de sin Historie
 Dunt far ici la Memorie,
 Morice Regan iret celui
 Buche a buche par la alui
 Ri cest gest endite
 L'estorie de lui me mostra
 Feil Morice iret Latinner
 Al rei re Murcher,
 Ici lirrai del Batcheller
 Del rei Dermot, vous voil conter.*

At his own desire the Interpreter
 To me related his History,
 Which I here commit to Memory,
Maurice Regan was the Man,
 Who Face to Face indited to me
 These Actions of the King,
 And of himself shewed me this History.
 This *Maurice* was Interpreter
 To the King, King *Murcher*.
 These Things this Batchellor
 Of King *Dermot* read to me,
 This is his Story.

It endith abruptly at the winning of *Limerick*, which was
 not full three Yeres after *Robert Fitz-Stephen* his first arrivall
 in *Ireland*.

A. D.
 1167.

DERMOT, (A) Kyng of *Leinster*, was a power-
 ful Prince; he invaded *O'Neal*, and the Kyng of
Meath, compelled theme to gyve Hostages, and constrained

(A) The Power and military Prowess of *K. Dermot* are here justly ap-
 plauded by his Minister; who out of Respect to his Master conceals the
 Errors of his Civil Government, which must have been very great and op-
 pressive, to have caused a total Defection of his Nobility and People, which
 never would have been brought about meerly from the Motive of his Gal-
 lantry with the Wife of another Prince. *Cambrensis* (a) therefore seems to
 have set the Cause of this Revolution in a juster Light: For he says, that
Dermot from the beginning of his Government was a great Oppressor of
 his People, and a cruel Tyrant over his Nobility, which (as it always will
 happen under the like Circumstances) made them ready to embrace the
 first Opportunity of changing their Master.

(a) *Vaticinalis Hist. Hib. Lib. 1. Cap. 1.*

O'Kerrall

O'Kerrall to send hym his Son for a Pledge into *Leinster*. At that Tyme O'Rory, Kyng of *Lethcoin*, (B) whose Country was woody, and full of Boggs, had to Wyfe the Daughter of *Melagblin Mac Colman*, Kyng of *Meath*, a fair and lovely Lady, entirely beloved of *Dermond*, Kyng of *Leinster*, who also hated O'Rory for an Affront, which his Men had received at *Lethnuth* (C) in his Country.

DERMOND by Letres and Messingers pursued her Love with suche Fervency, as in the End shee sent him Word, that shee was ready to Obey, and yeld to his Will, appointed hym a Tyme and Place, where he shuld find her, and prayeing him to come soe strongly, as that he mought by Force take her away with him.

DERMOND presently assembled his Forces, and marched into the Countrey of *Lethcoin*; at *Tirmbruin* (D) he found this Lady, tooke her awaye with him, spoiled the Countrey, and returned with Victory and Content unto *Fernes*.

O'RORY, full of Greife and Rage, addrested hymself unto the Kyng of *Connaght*, complaining of the Wrong and Scorne done unto hym by the Kyng of *Leinster*, and intreating his Aid in the Revenge of so grete an Outrage.

O'CONNER, Kyng of *Connaght*, moved with Honour and Compassion, promised him Succour, and presently he dispatched Messingers to the King of *Offory*, unto *Melagblin* King of *Meath*, to *Hesculph Mac Turkil*, (E) Lord of *Dublin*,

(B) This must certainly be an Error in Transcribers, (*Lethcoin* being mistaken for *Leitrim*) for *Regan* could not be ignorant that O'Rory (more truly O'Riork) was King of *Breifne*, a Territory now comprehending the County of *Leitrim*, and not of *Lethcoin*, which was the half of *Ireland*, being all that lay North of the Mouth of the River *Boyne* in a strait line to *Galloway*. The Reader may consult for this the Antiquities of *Ireland* Chap. 4. *Cambrensis* is no less in an Error, when he makes O'Riork Prince of *Meath*, which more truly was the Territory of his Wife's Father.

(C) This Place is so corrupted that nothing can be made of it. What the Affront here mentioned was, or what Place *Lethnuth* was, are not mentioned in any other *Irish* History, nor does *Cambrensis* take notice of the Fact, which must therefore be left still in the Dark.

(D) *Trim Bruin* here mentioned as the Residence of O'Riork helps to correct the Error before taken notice of under Note (B): For *Trimbruin Breifne*, often called *Hy bruin Breifne* (which signifies the same Thing) was a small District that lay in O'Riork's Country, in the County of *Leitrim*.

(E) *Hesculph Mac Turkil* was at this Time the Danish Petty King of *Dublin*, and *Fingall*, which he held of King *Dermod* by Tribute: But now he, as well as the King of *Offory*, who was also Subjects to *Dermod*, took up

Dublin, and *Morrough O'Birne*, wyth whome he so much prevailed, as they turned Heads upon their Lord King *Dermond*.

The Kyng of *Leinster*, seeing hymself forsaken of his Kinsmen, Friends, Servants, and principal Followers, having sune more Confidence in *Morrough O'Birne* than in the rest, tooke Horse and rode to speak with hym.

KING *Dermond*, being returned to *Fernes*, and lodged in the Abby of *Fernes*, dedicated to the Blessed Virgin *Mary*, commanded the Abbot to write a Letre, whiche he subscribed, and to deliver it to one of his Monks to carry it to *Morrough O'Birne*, hoping thereby to perswade him to a meeting. The Monke being dispatched, dischargid the Trust imposed upon him soe well, as that he deliverid the Letre to *O'Birne*. The King followid the Monke, and at a Wood Side saw *Morrough O'Birne*, who beholdinge the King menaced hym presently to depart, or else he would repent it.

THE distressed Kyng, almost distracted with Greife and Anger, returned to *Fernes*, and fearing to be betrayed there, and delivered by hys People unto the King of *Connaught*, resolved to abandon his Countrey, and instantly without Delay he went to *Horkeran*, where he imbarqued hymself for *England*, having in his Company no other Man of Marke then *Awliffe O'Kinade*, and about sixty Persons.

WITH a prosperous Gale he arrived at *Bristol*, and was lodged with all his Companie, in the House of *Robert Harding*, at *St. Augustins*, wher astir some staie, he addressid his Journey towards *France* to speake with Kyng *Henry*, who then had Warr in that Kingdom with the *French* Kyng.

A. D.
1168.

WHEN he came to the Presence of Kyng *Henry*, he related at large unto hym the cause of his comyng, telling hym, that his Vassals had forsakin him; that he was forced to runne into Exile, and beseechinge hym to gyve him Aide, whereby he mought be restorid to his Inheritaunce; which yf it shuld plesse him in his Goodnes to graunt, he would

up Arms against him to recover their Liberties, which he had invaded. The same thing did the *O'Birnes*, two powerful Septs seated in the now County of *Wicklow*. *Dermond's* case upon this Occasion seems to carry a near Parallel with the late Revolution, in every thing but the Success.

acknowledgy

acknowledge hym to be his Lorde, and serve him faithfully during his Life (F).

THIS petifull Relation of the distressed Kyng so much movid Kyng *Henry* to Compassion, as that he promised him Aid, and willed hym to return to *Bristoll*, ther to Remayne untill he herd furthir from hym; and with all he wrot to *Robert Harding*, requiring hym to receve Kyng *Dermod* and his Followers into his House, and to intreat them with all the Courtly and Humanitie he could; wherof *Robert* failed in Nothing.

AFTER that Kyng *Dermod* had remained more than a Moneth in *Bristoll*, and seeing no hope of Aide from Kyng *Henry*, weary of delaye, and Comfortless, he went to the Erie *Richard*; (G) intreating Succours from hym, and promising, that, if by his Means he mought be re-established in his Kyngdome, that he would gyve hym his Daughter to Wife, and with her the whole Kyngdom of *Leinster* for his Inheritance. The Erie tickled with so fair an Offer, made Answere, that if he coulde obteyne leave of the Kyng his Master, he would not fail to Assiste him in his Person, and bringe sufficiant Aid; but for the present he desired to be excused; for unless the Kyng wuld give his Assent ther unto, he durst not entertaine a Business of that Importance.

THIS faire and discreet Answere so well contented the exiled Kyng, as he solemnly Swore, that whensoever the Erie did bringe Aide unto hym, he wuld gyve him his Daughter in Marriage, and after his Death the Kyngdome of *Leinster*. These Conditions being agreed on either Party, *Dermod* departed, and went to *St. David's*, where he staid untill Shipping was provided to Transport hym into *Ireland*.

In the meane tyme while the banished Kyng's Shipping was in prepareing, he was Advysid to goe and Visite a King in *Wales*, called *Rice*, to Desyre hym to Enlarge out of his Prison a Gentilman callid *Robert Fitz-Stephen*; but how

(F) *Cambrensis* asserts, that King *Dermod* swore Allegiance to King *Henry*, and to be his Vassal and Subject; whereupon King *Henry* took him into his Protection, and gave him Letters Patents directed to all his Subjects to aid and help him.

(G) This Erie *Richard* was *Richard* Earl of *Strigul*, commonly called *Strangbow*; who, not contented with the general Licence given by the King of *England*, was willing to engage in King *Dermod's* Cause, if he could procure a special Licence for that purpose from the King.

the sayd Robert was taken, or for what Offence Imprisoned I doe not undirstand; but that he was Enlargid by King Rice, at the request of the Kyng of *Leinster*, I am well Assured (H).

HAVING obteyned his Request, he returned to St. David's, carrying no more *Englishmen* with him than one Gentleman called *Richard Fitz-Godoberth*, who had many good Parts in him, but so slenderly attendid, as they were of small Use for King *Dermond*, when he came into *Ireland*; wherfore he licenced them to depart home.

THE Kyng of *Leinster* findinge it to be an Impossibility for hym to recover his Kyngdome, and to prevaile in hys Designs, without Aid out of *England*, Dispatched his Trusty Servaunt and Interpreter, *Maurice Regan*, with Lettres into *Wales*, and with Authority in hys Name to promise all souche as wuld come to serve hym in his Wars in *Ireland* large Recompence in Landes of Inheritance to souche as wuld staye in the Country, and to those that wuld returne, he wuld gyve them good Intertainment eyther in Money or in Cattle. As soone as these Promisses were divulged, Men of all Sortes, and from divers Places, preparid themselves to goe into *Ireland*, first, especially *Robert Fitz-Stephen*, a Man of good Esteeme in *Wales*, (who had lately been enlarged out of Prison by the Mediation of *Dermond*) undirtooke the Employment, and with hym some nine or ten Knights of good account, (I) namely.

(H) The Account given by *Cambrensis* clears the point of the Imprisonment of *Robert Fitz-Stephen*; for he says, that he was Governor of *Cardigan* under *Rice* or *Rhees ap Griffen*, who governed the Principality of *South-Wales*, as a feudatory Prince to King *Henry*, against whom *Rees* was often in Rebellion; but he insinuates, that *Fitz-Stephen* refusing to assist *Rees* against the King, he found means by the Treachery of his Guards to have him apprehended, and kept him in Prison three Years. He now obtained his Liberty, on Condition he should take up Arms against King *Henry*: But he desired rather to seek his Fortune abroad; and by the Mediation of the Bishop of St. David's and *Maurice Fitz-Gerrald*, who were his half Brothers by the Mother, he had the Agreement changed into an Assistance to be afforded to King *Dermond*, on Condition that he should give to *Fitz-Stephen* and *Maurice Fitz-Gerrald* the Town of *Wexford*, and two Cantreds of Land about it.

(I) Thirty Knights (says *Cambrensis*) of his own Kindred, threescore others in *Jacks*, and about three hundred Archers and Footmen, all of the best chosen and picked Men in *Wales*; a small Number for so great an Undertaking!

Meiler

Meiler Fitz-Henry.

Meyler Fitz-David, Son to the Bishophe of St. David's.

Maurice de Prindergast.

Henry de Momerecey, and othirs, whose Names I do not know, being in all neere aboute the Number of three Hundreth Horsemen and Foote.

THIS little Army Transported in three Ships Landed at a place called *Bann*, not far from the Town of *Weixford*; from whence they immediately dispatched Messengers unto *Kynge Dermond* to give him Notice of their Arrivall; who without Delay repaired unto them, and Imbrasing theme with much Joy, and rendring theme thanks for their Travile they had taken, that Night they encamped by the Sea side. The next Daye *Dermond* and the *English* marched directly to *Weixford*, and instantly gave an Assault unto the Towne, in the whiche eighteen *English* were slain, and of the Defendaunts only three. Nevertheless the Townsmen perceavinge themselves to be unable to make any long Defence, demanded Parle, which being graunted, they offered Hostages to the Kyng, and to sware from thence forward to be evermore his loyal Vassalls. By the Advice of the *English* the Conditions were accepted, and the Town of *Weixford* renderd ytsel unto *Dermond*. Which done, he went to *Fernes* as well to cure his Hurt Men, as to feast the *English*, where they rested thre Weeks.

Then *Dermond* callid to hym *Robert Fitz-Stephen*, and *Maurice de Prindergast*, tellinge theme, howe mouche they and their Nation were feared by the *Irish*; wherefore he had a Purpose to invade the King of *Offery*, his mortal Enemy, and to chastice hym; but furste he required their Advice and Consent; who answerid, that they came to that Lond to no othir End than to serve him in his Warrs, and that they wuld not forsake him in any Interprize whatsoever he wuld undertake.

DERMOND Assemblid with grete Expedition all his Forces to the Number of thre thousande, besides the thre hundreth *English*, and marchid towards *Offery*. When he was entred into the Countrey, they found that *Donald*, Kyng of *Offery*, (K) plasht a Pace, made large and deep Trenches in

the
(K) This *Donald* was surnamed *Macgilla-phadruick*, or *Fitz-Patrick*, and was the Head of a powerful Segg in *Offery*, from whence the Barons of *Upper-Offery*, a title now Extinct, were descended, as also the Lord *Gwran*, now living.

the same, wythe Hedges upon them, and manned with five thousande Men; through which Pace his Enemies of necessity must Passe. *Dermond's* Troops gave upon the Trenches; the Fight indured from Morninge untill Night; but at last by the Valour of the *English* the Trenches were forced, the Enemie discomfitted, but with much slaughter on eyther side. Then *Dermond's* light Men harried and burnt all the Country, and returnid with a Huge Prey.

DERMOND knowings the strength of the Countrey, and the danger they shulde meete with all upon ther Retreat, called unto hym *Robert Fitz-Stephen*, *Maurice de Prindengast*, *Henry de Momereay*, and all the *English* of Qualitey, prayeing theme to be well upon their gaid; for in their Retreat they were to pass a dangerouse pace.

ACCORDINGE to his Direction, the *English* prepared themselves to Fight; the Kynge for his safetie put hymselfe into their Battallion, his Son *Dannell Kevannagh* (L) he commanded with forty three *Kinsellagh's* Men (M) to be in the forlorne hope; the rest of his Forces, which were seventeen hundreth, mingled not with the *English*; for they mistrusted such as could Runn like the Winde.

DONNELL Kevannagh was no sooner entred the Pace, but the Enemye Assayled hym, and he was Enforced to shelter himself undir the *English*. After the Fight had continued three Hours, Prince *Donald's* Men began to Faint, gave Ground, and roone awaye; nevertheless in an instant they Rallied againe, and made a newe Head. In the interim the

living. The great Enmity between King *Dermod* and the Prince of *Offory* was occasioned (as *Cambrensis* relates it) from this Action. *Donald* had the eldest Son of King *Dermod* in his Custody, and being jealous of a criminal Amour between the young Prince and his Wife, he shut him up a close Prisoner, and thrust out both his Eyes; of which (some say) he died.

(L) *Donald Kevannagh* is said by *Cambrensis* (b) to be the base Son of King *Dermod*, which *Regan* conceals. And indeed the Assertion of the first mentioned Writer carries a shew of Probability with it; since otherwise *Dermod* could not well settle the Succession of his Kingdom upon his Daughter, if he had any Issue Male by a Wife living.

(M) *Kinsellagh*, or *Hy-Kinsellagh*, was a Territory extended about *Wexford* on the River *Slainy*, which took its Name from *Eunius Kinsellagh*, who was King of *Leinster* about the Year of *Christ* 358. Many of the Name of *O'Kinsellagh* yet remain, though none of any considerable Note. King *Dermod* for his safety put himself into the *English* Battallion; because he was jealous of the Fidelity of the *Wexford* Men, and of the *Kinsellaghs*, who had but lately returned to their Allegiance.

(b) *Lib.* 1. c. 3.

English

English Horse and Foote were gotten into a Lowe Moorish Ground, wherein *Donald* assured himselfe to have a faire Day upon theme. *Maurice de Prindergast*, apprehending the danger they were in, with a lowde Voice callid upon his Companions; "let us, sayd he, withstand our Enemies, and free ourselves out of this Bottome; we are well Armed, and they are naked, if we may recover hard Ground we shall be freed from Perrill, and there is no doubt but they be ours, or at the least we shall Die with Honour." Then he called upon one Named *Robert Smith*; "take" (said he) fifty Soldiers, and lye in Ambush in yonder Thickett, and move not untill the *Irishe* be Past; if they will charge youe, we will come to your succour;" which Direction was immediately Obedeyed. *Donald* and his Men, whiche were about two thousande, conceaveinge that the *English* began to Faint, came boldly on, passed the Ambush (who being soe fewe durst not stir) and gave a Furious charge. *Dermond* then fearing, that all was Lost, prayed *Maurice* to have a care to Succor those whiche were left in Ambush. Be not dismaid, said *Maurice*, when it shall be needful, I will have care to relieve theme. The *Irishe* with grete Eagerness continued the Skirmish, continually chardged them upon their Retreit, untill they had recoverid hard Ground. Then *Maurice Prindergast*, *Robert Fitz-Stephen*, *Meyler Fitz-Henry*, *Miles Fitz-David*, *Hervey Momerecey*, with other *English* Knights, turned upon the Men of *Offery*, and in a Moment they were discomfected. All of them did admireablye well; but *Miler Fitz-Henry* deserved the most honnor. When the *Irishe*, that were with *Dermond*, who all the time of the Fight for Feare had hydden themselves in the Wood, sawe the Enemy broken, they followed the Chase, and fell to the Executione of *Donald's* Men; two hundreth and twenty were slaine, whose Heads were presented to *Dermond*. And manye also afterwards Died of their Hurts(N).

(N) *Cambrensis* (c) tells a very barbarous Story of K. *Dermond* upon occasion of this Victory, which if true, *Regan* has concealed it in honour of his Master. He says, that they brought three hundred of the Heads of the Slain to *Dermond*, who examining them found one among the rest, to whom he bore a Mortal hatred, and that taking the Head up by the Hair and ears, he bit away the Nose and Lips.

(c) Ibid. esp. 4.

B

AFTER

A. D.
1169.

AFTER this Victory, *Robert Fitz-Stephen* advised *Dermond* to Encamp upon the same place; for their Men were wearie, and he doubted that the Enemye wuld pursue them on their March. But the Kyng wuld not be perswaded to make anye stay untill they came to *Lechlin*, where his hurte men moughte be better Relieved, than in the Field; and soe that Nyght they lodged at *Lechlin*. And the next Daye (carrying their hurt men with theme) they marched to *Fernes*; where *Dermond* provided Physicians and Surgions for the sick and hurt, and the Soldiers were cessed upon their Hosts.

THE Men of *Leinster*, that had rebelled agens^t *Dermond*, now seeinge him from the Estate of a Fugitive, by the help of the *English* to become Victorious, from all partes they repayred unto hym, submissively craveing Pardon for their Transgressions, and deliverid him Hostages for their future Loyaltye. Nevertheless *Donald*, King of *Offery*, and *Mac Kelan* (O) King of *Offellan* neyther wuld nor durst come to him.

KING *Dermond*, seeinge ther Obstinaey, proposed to invade theme; and furste he resolvid to begynn with *Mac Kelan*; and presently gave order to Assemble all his Forces together; not forgetting to advise with *Robert Fitz-Stephen*, *Maurice de Prindergast*, and *Henry de Momerey*, and to pray them to prepare for the Journey; for in ther Handes the safetie of his Person consisted. Ther forces being assembled, *Dermond* commaunded *Donnel Kevanagh* to March in the Vant-Guard. They entred into *Offellan*, preyed the Countrye, and loaden withe Spoile returned home to *Fernes*, where the King with the ten *English* Knights remained eighte Dayes.

AFTER this smale rest, *Dermond* wyth hys *Englishe* and *Irishe* Troopes, marched towards *Glindelagh* to chastise *O'Tobill*, (P) for refusing to come unto hym. When he came ynto the Countrye he found no Resistance; so as the

(O) *Mac-Kelan's* Territory lay about *Naas*; which is explained hereafter in the Disposition made by Earl *Strongbow* to several of the Adventure:s, wherein he gives to *Maurice Fitz-Gerald Naas-Ophtelan*, which had been possessed by *Mac-Kelan*.

(P) *O'Toole's* Country was called *Imayle*; and lay in the Heart of the County of *Wicklow*.

same was burnt and preyed without stroke Stricking; whych A. D.
done he returned to *Fernes*. 1169.

THE Army being well refreshed, *Dermond* commaund-
ed all his People of *Leinster* to repaire unto hym, and parti-
cularly the Men of *Weixford*. When they were assembled,
the King sent for *Robert Fitz-Sтивен*, *Maurice de Prinder-
gaſt*, *Henry de Momerecy*, *Myler Fitz-Henry*, and the other
Engliſhe, unto whome he Diſcovered his intent to Invade
Oſſery, and utterly to diſtroy K. *Donald*. All neceſſaries
being provided for his Journey, and the tyme of his depar-
ture being come (as at othir tymes, ſo likewise now) he com-
mitted the Leading of the Van-Gard with five hundreth
Men to *Donell Kevanagh*, in the Battle the Men of *Weix-
ford* marched, and the Kyng put himſelf in the Reare with
the *Engliſh*. That Night they paſſid the Water, and came
to *Fethard*, (Q) and the Kynge, with his whole Army, ex-
cept the Men of *Weixford*, lodged upon *Mac Burtin*: He
wuld not Permit the *Weixford* Men to quarter in his Campe,
as well for the hatred whych he bore theme, as ſearcinge
ther Treason. The ſame Night ther appered a ſtrange Ap-
paracione, ſurſte diſcoverid by *Randulph Fitz-Ralph*, Cap-
tene of the Watch; whych was (as he conceived) an Armye

(Q) The March of the Army from *Fernes* to *Fethard* the firſt Night muſt
certainly be a miſtake of Transcribers: for, firſt, the Journey was too great
to be performed in an Evening, being near five and twenty *Iriſh* Miles, and
next, it was turning their Backs to the intended Expedition. This Point
therefore muſt ſtill remain in the Dark; as muſt other Names of Places
here mentioned, which Time has devoured, as *Langport*, *Hatchdrit*, and the
like. *Burtin* in the following Paragraph was poſſibly the Land of *Mac-Burtin*,
where the *Weixford* Men camped, and it may be offered as a Conjecture,
and no otherwiſe, that the Village and Town Land of *Burtin*, near *Mul-
laghmaſt*, in the County of *Kildare*, took its Name from this Family of the
Mac-Burtins: and if that be admitted, we are on the right Track for the
Journal of this March, the Village lying in the direct Way from *Fernes* to
Oſſery. The next Day's March is from *Burtin* to *Athlebar*, ſeated on a great
River, i. e. the River *Barrow*; and here there can be but little Scruple, that
Athlebar and *Athy* were the ſame Place, the latter ſtill retaining ſome Foot-
ſteps of the Name of the other: nor is it uncommon to meet with greater
changes in the Names of Places. Melt the Word into *Ath-le-ſar*, and it
will ſignifie, the Ford towards the Weſt, which correſponds with its Situa-
tion from *Fernes*, the Capital of the King of *Leinſter*. *Athy* was ſoon after
the Birth of *Chriſt* called *Athdredain*; and it is no Wonder if in a thouſand
Years it ſhould receive another Alteration. *Hatchdritt* then, where *Donald*
intrenched, muſt be ſought for ſome where South of *Mountrath*, a Country
much incumbered with Woods and Boggs, and proper to oppoſe an Enemy
in: through which the March of Sir *Charles Cote* to the relief of *Bir* in 1642
was looked upon as hazardous an Adventure as any in the whole Courſe of
that Rebellion.

A. D. 1169. of Men, well armed, and bothe he and othirs conceived it had bene the Enemye, concluding in their Hartes, that the Men of *Weixford* had betrayed them. *Randulph*, to give the Allarme, ranne towards the Campe, and the Centinall seeinge him comeing from that parte, where this conceived Armye stood, and taking him to be an Enemye, incountered him, givinge him with his Sworde such a founde Blowe upon the Murrion, as that he was enforced to touch the Ground with his Knee; and not long afir the Apparicion Vanished. To the Men of *Weixford*, who quartered at *Langporte* the same Phantasme appeared, and they thought it had been King *Dermond* with his Armye that came to Assaile them.

PRINCE *Donald*, by his Espialls, haveinge Intelligence of the comeing of this grete Armie to Invade hym, assembled all the Force he could make for his necessary Defence, and knowing that hys Enemies must march through the pace at *Hatchdritt*, he there cast a deepe and large Trench, and upon it a stronge Hedge of Wood was erected, and lastly he manned it wyth the choice Men of his Troops. The next Morninge after this Apparicion, King *Dermond* with his Armye marched from *Burtin* to *Ashlethar*, seated on a grete River, and that Nyght lodged there; the next Mornenge the Army passed the River, and all that Day they sawe noe Enemye, untill they came to the pace, where the Men of *Ossery* attended their comeing. Unto the Men of *Weixford* the Point was given; with much Courage they assayed the Enemye, but the Resistaunce was so good, as it provid vain; three Days together the *Weixford* Men were repulsed, and then the *English* took the Enterprize in hand; they prevailed, won the Trenche, and put the Enemye to Flight, never looking behynd them, compassing the Land of *Wenath* (R) untill they came to *Hy-tiberath* and from thence to *Alberton*. *Donald* being thus Beaten, and harassed, Kyng *Dermond*, and the *English* returned with Glory unto *Fernes*.

(R) This Word is also vitiated by Transcribers. It should be *Vibb Nenath*; for *Vibb* bears the same Signification as *Hy* or *O*, and often is used to signifie a Territory possessed by the Head of a Sept; as *Vibb Liathan*, *Vibb Fatach*, and the like. So here *Vibb Nenath*, signifies the Territory about *Nenagh*, in the Barony of lower *Ormond* and County of *Tipperary*. The same Place has by antient Writers been called *O'Enath*, which still comes nearer to *Wenath*. *Donald* still fled further out of the reach of the Enemy as far as *Hy-tiberath* i. e. *Tipperary*, called by *Cambrensis* *Tibrach*, and from thence to *Atherion*, a Name either corrupted or lost.

DERMOND

DERMOND, beinge growne proude with his Victories, gave Discontentment to the *English*; insoemuch as *Maurice de Prindergast*, with two hundreth Soldiers went to *Weixford*, with a Resolution ther to Imbarque, and pass into *Wales* (S); wherof, when *Dermond* had Knowledge, he sent to *Weixford*, requiring the Townsmen to give Impediment. *Maurice*, seeing his Passage stopped, and offended with *Dermond*, by the advice of the *Weixford* Men, who hated the Kyng, he sent to *Donald Kyng of Offery*, promising to serve him agenst *Dermond*; who joyfully accepted of the Profer, and promised him great Entertainment. *Maurice* in his March towards *Tech-Moylin* was forlaid and incountred by *Donnell Kevanagh*, King *Dermond's* Sonn, wyth five hundreth Foot; but *Maurice* forced hys Waye, and came safely to *Techmoylin*, where he remained three Days, and there the Kyng of *Offery* came to him, well and strongly attended. The Conditions on either Parte beinge agreed upon, and *Donald* and *Maurice* Sworne each to the other for the true performing of them, they marched unto *Offery*, from whence by the Aid of *Maurice*, *Donald* made Incurfions upon *Dermond*, and spoiled his Countrie. This Departur of *Maurice de Prindergast* did not work the like effect in the rest; for *Robert Fitz-Stephen*, *Henry de Momerecy*, and other *English* Knights remained with the King of *Leinster*.

AT this Tyme, *Maurice Fitz-Gerald* (T), with Supplies out of *Wales*, arrived at *Weixford*; upon notice whereof *Dermond* went presently unto theme, and from thence rode into *Fernes*.

DONALD, Prince of *Offery*, having a Quarrel with *O'More*, and puttynge Confidence in *Maurice de Prindergast*, and hys Men, invaded the Country of *Leix* (U),

(S) *Cambrensis* takes no Notice of this Defection of *Maurice de Prindergast*, who was a Soldier of a high Spirit; and as he was a Voluntier in the War, he cannot be blamed to seek to return Home upon receiving Affronts; nor can his after Action of joining with the Prince of *Offery* be condemned; since he was not suffered to serve with Honour under King *Dermond*, nor to leave his Service. A Family of considerable Rank, descended from this Officer, remains still in *Ireland*.

(T) From this *Maurice* (besides other Families of rank) were descended the three great Branches of *Kildare* and *Kerry*, (yet subsisting) and of *Desmond*, extinct by Rebellion in the Reign of *Q. Elizabeth*.

(U) *Leix* was a considerable Territory comprehending a great part of the *Queens County*, the Shire Town of which, now called *Maryburgh*, in honour of *Q. Mary*, was antiently called *Fort-Leix*. *Abby-Leix* also, a *Cistercian* Monastery, still retains the Name of the Territory in which it was founded in the 12th Century, by *O'More*, the Lord of the Soil.

A. D. 1169. whereof *O'More* was Lorde. Four Days together they destroyed the Countrie, and *O'More*, to be quit of such ill Guests, submitted himself, and gave Hostages; but to be revenged, befor they were gone, sent to *Dermond* praying hym to revenge the Wrongs he had received.

The Kyng of *Leinster*, impartinge the Desire of *O'More* to *Robert Fitz-Stephen*, *Maurice Fitz-Gerald*, and the other *English* Knights, by their advice marched in'o *Leix*. *Maurice de Prindergast*, understandinge that *O'More* had plotted Treason, (Notwithstandinge his Hostages) against *Donald*, perswaded hym to depart out of *Leix*; for *Dermond*, by the Assistance of the *English*, was too strong for theme; whyche Advice *Donald* followid, and retreated into *Offery*. *Dermond*, seeinge his Enemie gone, takinge Hostages of *O'More*, returned with his Army to *Fernes*.

THE Men of *Offery*, findinge themselves to be muche indebted to *Maurice de Prindergast* and hys Companie for their Wages, to paye the Debt with ease, they contrived a Treason agenst hym; purposeinge to cut ther Throats, and to have ther Spoile; but *Donald* would by no means assent unto that.

MAURICE de Prindergast, wearie of the Service he was in (wherin nothing was to be done, nowe that *Dermond* was retreated) desired *Donald's* leave for to Departe; wherunto a deaf Eare was given, and *Donald* vehementlie desired his staye. *Maurice*, on the other side, Obstinatelie persevered in his Resolution, which was to Imbarque himself and hys Men for *Wales*, and takinge his leave of the Prince that Night he marched to *Kilkenny*, and *Donald*, sorry for his Departure, went to *Fertnegeragh* (W). The Men of *Offery* perseveringe in their malicious Treason against *Prindergast*, assembled two thousande Men together, plashed a Pace, through whyche he was to pass; whereof, by good Fortune, *Maurice* havinge Intelligence, acquainted his Companie with the Danger. After mature Deliberacione, it was resolved, that no Knowledge shuld be takin of the intended Treason, and to make staie in *Kilkenny* for a few Days, and in the mean while to send Messengers to *Donald's* Seneschall, to

(W) *Fertnegerah*, an obscure, though antient Place in the County of *Kilkenny*, remarkable for nothing but a House of regular Canons dedicated to *St. Kieran*.

lett hym knowe, that they were contented to serve the Kyng *A. D.*
of *Offery*, if it pleased hym, half a Year, or a quarter long- 1169.
er; which offer *Donald* gladlie accepted. The *Offorians*
hearinge that *Maurice* had made a new Agreement with the
Kyng, abandoned the Pace where they lodged. *Maurice*,
hearinge that they wer dislodged, about Midnight rose out
of *Kilkenny*, and continued upon a swift March, until he
came to *Waterford*; where they found means to Imbarque
themselves for *Wales*, but not without some Difficultie;
for one of the *English* had Slaine a Cittizen, whyche enrag-
ed the People; but *Maurice Prindergast* by his Wisedome
appeased the Tumult.

KING *Dermond*, in respect of the good Service done unto
hym by *Robert Fitz-Stephens*, gave him the Towne of
Weixford; and the *Carrig*, adjoyning unto it, he bestowed
upon *Maurice Fitz-Gerald* (X).

AT this Tyme *Richard Erle of Pembroke* sent *Reymond*
Le Gros. (Y) into *Ireland* with nine or ten Knights and
some Foot. They landed at *Downdonnell*, where *Reymond*
remained, intrenchinge hymselfe with a slight Fortification.

As soone as the landinge of these few *English* was bruted,
then the Men of *Waterford* and *Offery* assemblid together,
and marched towards them; and so did *Mac Kelan* of *Offe-*
lan, and *O'Rian* of *Odrone*, with three or four thousand
Men (Z).

B 4

The

(X) The grants made by King *Dermad* upon this occasion are somewhat
differently related by *Cambrensis*, who says, that he gave to *Robert Fitz-*
Stephens, and *Maurice Fitz-Gerald*, the Town of *Wexford*; and the *Territ-*
ories adjoining, and to *Herwy* of *Mount-morice* he gave two Cantreds lying
on the Sea between *Wexford* and *Waterford*. It was here, in the Barony
of *Forth*, that the first Settlements were made by the *Britisb*, whose *Poste-*
rity continue there to this Day.

(Y) *Cambrensis* places the Arrivall of *Reymond le Gros* after *Roderick*
O'Connor, King of *Connaght*, had levied an Army to oppose the Invasion; and
he is very particular as to the Numbers brought over by *Reymond*; for he
says that there came with him ten Knights, and threescore and ten Archers
well appointed. Both writers agree in the Place of landing, except that
what *Regan* calls *Downdonnell*, *Cambrensis* has named *Dundonolf*. *Hooker*,
who writ a Comment on *Cambrensis*, calls the Place of *Reymond's* landing
Dundorough; but then he gives it an impossible Situation, by calling it a
Rock in the County of *Waterford*, eight Miles E. of *Waterford*, and twelve
S. of *Wexford*.

(Z) The Partners in this Confederacy, according to *Cambrensis*, were on-
ly the Citizens of *Waterford*, and *O'Molaghlín* of *O'Felin*, and the Numbers
Slain in the Action he reckons to be five hundred, and not a thousand, as
Regan

A. D. 1169. The Companie wyth *Reymond* did not exceed one hundred English; but before the Enemie's cominge he had gotten into his Hands all the Cowes of the Countrie nere unto hym. Beinge besieged, by a general Consent it was advised rather to fall and die Manfully, then endure a lingering Siege. *Reymond* then commands the Gates to be opened, the Cattle was driven forth, and followed with Shouts and Cryes, to affryght them, who brake in upon the *Irish*, put them into such Confusion, as that the *English* obteyned an easie Victory. Of the *Irish* a thousand were Slaine, and seventy taken Prisoners, whome *Reymond* in his Fury (for the loss of his dear Friend named *De Bevin*) commandid to be beheaded; and the *Irish* after the Defeat returned to their Countreies, *Reymond* remaininge still at *Dondonnill*. *Hervey de Monmercy*, *Walter Bluet*, and others, steyed with him.

A. D. 1170. WHILE *Reymond* continued in his abode there, the Erle *Richard* arrived at *Waterford* with fifteen or sixteen hundred Soldiers (A), and loosinge no Tyme he presently attempted the winning of the City, which was governed by two Chief Magistrates, the one called *Reginald*, the other *Smurth*. The Success was good; for upon *St. Bartholomew's Eve* the Town was takin by Force, with grete Slaughter of the Citizens; which done, they sent to *Kyng Dermot*, prayeing him with his *English* to come unto hym; who without delaye went to *Waterford*, and, accordinge to his Promiss made in *England*, he marryed his Daughter unto the Erle, and with her he gave after his Death the Kyngdome of *Leinster*. From *Dondonnell* *Reymond* came to the

Regan computes them at. They differ also in the Deaths of the seventy Prisoners; for *Regan* imputes that cruel Action to the Fury of *Reymond*, and that he ordered them to be beheaded in cold Blood, for the loss of his Friend; much like the Fury of *Achilles* for the loss of *Patrickus*. On the other Hand *Cambrensis* alledges, that they were cast over the Rock into the Sea, and that it was done by the Incitement of *Hervey de Mountmorice*, and he puts long Speeches in both their Mouths before a Council of War for their respective Opinions. *Regan* seems more Worthy of Credit than *Cambrensis*, in relating Facts, which happened, in a manner before his Eyes, whereas the other must take them up upon report and hearsay.

(A) *Cambrensis* says two hundred Knights and a thousand others. It is from *Regan* alone we learn, that *Waterford* was under the joint Administration of two Petty Princes of the *Danes*, *Reginald* and *Smurth*; for neither *Cambrensis*, nor any other Writer, mention this Circumstance.

Erle

Erle (B); and when the Marriage was solemnized; by the general Consent the King, the Erle, *Reymond, Maurice de Prindergast* (who with his Companie returned with the Erle) *Meyler Fitz-Henry*, and the rest, agreed to March to *Dublin*. *Dermond* with the Erle and the *English* went to *Fernes* there to remaine untill their Preparations were fully made. In the meane while the Erle was not unmindful to leave a sufficient Garrison for the Defence of *Waterford*.

A. D.
1170

In this Tyme the *English* Invasion had bred Feare and Terror in all the *Irish* throughout all the Land; to prevent insueinge Dangers, (which were in a Manner Invisible) the King of *Conaught* amassed an Army of thirty thousande Horse and Foote to impeach the intended Interprize against *Dublin*; and the better to performe the same, he plashed and trenched all the Paces through whiche the *English* and *Dermond* must have passed; and the King of *Connaught* himself incamped at *Clondelkan*. King *Dermond*, being advertised therof, imparted the same unto the Erle, layeing befor his Judgment the Difficulties whiche they shuld find in their Passage to *Dublin*, and prayeing him to advise upon the same. After Consultation held, it was agreed by the Chiefs of the Army, that the Enterprize shuld be attempted. The Daye of their puttinge into the field beinge come, *Miles de Cogan*, a Gentilman of grete Worth and Valour, was ordained to March in the Vanguard, with a Regiment of seven hundreth Stronge, and with *Danell Kevannagh* with his *Irish*; next unto him *Reymond le Gros* (of whose Praise and Worthyness enough cannot be said) led the Battle, with his Regiment of eight hundreth *English*, and with hym the King of *Leinster*, with a thousand of his Followers; the Rear, with three thousand *English* was commanded by the Erle, and in the Rear of him a Regiment of *Irish* Men. When they came nere the Enemy, their orderly March (wherewith they

(B) It would seem by our Author, as if *Reymond* had no share in the taking of *Waterford*, but came to the Earl after the Action was over. *Cambrensis* on the contrary, placing the Action a Day later, gives the Direction of the Assault to *Reymond*, and that the taking of the Town was owing to his Sagacity and Valour; for the Assailants being twice repulsed, he espied a little Cage work House, built upon Posts, half without the Wall, and the Remainder resting upon it. Having hewed down these Posts the House fell, and made a Breach, by which the *English* entered.

had

A. D.
1170.

had not been accustomed) appaled them so muche as they gave Way; so as the Army passed by the Waye of the Mountaine, without any Fight, till they came to *Dublin*; And the Kynge of *Connaght*, by the Advyce of his Councell, dissolued his Armie, and returned to his own Country.

Herculph Mac Turkill, to withstande his Enemies, drew all the Forces he culd make or Procure into the City of *Dublin*, whereof he was Lord. The Erle and *Dermond* quartered a pritty distance from the Towne; but *Myles de Cogan* Lodged close to the Walls. From the Erle and *Dermond*, *Maurice Regan* was sent to summon the Cittie to yeld, and for ther better assuraunce to demand thirty Pledges; *Mac Turkill*, searinge the issue of the Siege, promised to render both Towne and Pledges; but the Citizens disagreeinge in the choice of their Hostages, the tyme assigned was spent; whereof *Myles de Cogan*, takeinge advantage, without anye direction from *Dermond*, or the Earl, gave an assault, entred the Towne, and, not without grete Slaughter of the Cittyzens, made hymself master therof. (C) *Herculph Mac Turkill*, and most of the Townesmen, saved themselves by the Strond of the Sea; the Soldiers got good spoile; for the Cittizens were Rich. The same Daye, which was the Daye of *St. Mathew* the Apostle, *Dermond* and the Erle made their Entry, and found in the Town great Abundance of Viſuals.

AFTER a few Days stay in *Dublin*, *Dermond* returned to *Fernes*; and immediately after *Michellmas* the Erle *Richard* (leaving the City of *Dublin* in the Guard of *Myles de Cogan*, tooke his Journay for *Waterford*, and in the same Winter, *Dermond* King of *Leinster*, Died at *Fernes*; after whose Death, none of the *Irish* (except *Donald Kavannagh*, King *Dermond's* Sone, *Mac Gely* of *Tirbrun*, (D) and *Awliffe*

(C) The motive for undertaking the Siege of *Dublin* is imputed by *Cambrensis* to a Mortal hatred which King *Dermod* bore to the Citizens, besides their Rebellion For his Father, being on a Tyme at *Dublin*, and sitting at the Door of an antient Man of the City, they not only murdered him, but in contempt buried him with a Dog. He also imputes the treaty for a Submission to the Mediation of *Laurence O'Tool*, then archbishop of *Dublin*.

(D) Rather *Tir-Bryn*, or the Lands or Territories of the *O'Birns*; of which *Mac-Gely* was the Chieftains. Their Countries, lying between the New Conquests in *Wexford* and *Dublin*, now in the Possession of the *English*, was a strong Curb upon the Fidelity of that People.

O'Carry)

O'Carvy) came to the Erle; and Moriartagh, with the A. D. 1170.
Kinselaghs, made Warr upon the English.

O'CONNOR, the Monarque of *Irland*, Levied a great Army, with an intent to beseidge *Dublin*. At a Daye assigned all his Forces (to the number of sixty thousand) assembled at *Castle Knock*. *Mac Dunleve*, Kyng of *Ujster*, quartered at *Clontarffe*; O'Bryan, Kyng of *Munster*, at *Killmainham*, and *Moriartagh O'Kinselagh* with his Troops, lodged at *Dalkie*. (E) At that present the Erle was in the City of *Dublin*, preparing all necessaries for his Defence; from every place which was Garrisoned he sent for Men; and among the rest he sent for *Robert Fitz-Stephens*, who was then at *Weixford*, Commaunding him to send as manye Men unto hym as he could possibly spare. Whereupon *Fitz-Stephens* sent him thirtie-six Soldiers. The Men of *Weixford* (who evermore hated *Dermond* and the English) finding it to be now, as they conceived, a fit opportunitie to serve their turns, assailed *Robert Fitz-Stevens*, slew his Men, and tooke him with five other Gentilmen Prisoners; whom they sent to *Beckerin*, which is a Castle seated upon the River of *Slaine*. *Donald Kevannagh*, with some of the O'Kinselagh's, *Mac Gely*, and *Awliffe O'Carvy*, were the messengers that brought unto the Erle *Fitz-Stevens*'s Disastor; which, although it exceedingly troubled him, yet he seemed to make flight of it, willing them not to be dismayed or discouraged at the ill Fortune.

DUBLIN (as is sayd) being invironed with a Puissant Army, and the Defendaunts within neyther in nomber nor Munition soe well provided as necessarie, and besides but weakly stored with Victuals: The Erle out of these consi-

(E) This Attempt upon *Dublin* is imputed by *Cambrensis* to the Zeal, and Activity of Archbishop *Laurence*, who out of Love to his Country took infinite pains to cement an Union among the Princes of *Ireland*. They also drew into the Alliance *Gothred* King of the Isle of *Man*, and other Princes of the Islands; so that the City was begirt not only closely by Land, but by Sea, and strong Parties were posted in several Quarters near the City, as at *Castle-Knock* three Miles to the W. at *Dalkie*, about Six Miles to the S. E. on the Mouth of the Harbour, to prevent Supplies by Water, which also was done by the Shipping of the Foreigners; at *Clontarffe*, about three Miles from the City on the N. Side of the Harbour, and at *Killmainham*, within less than a Mile of the *Walls*. Add to this a scarcity of Provisions within the Town, and it is wonderful how it should escape falling into the Hands of the Besiegers.

derations

A. D. 1170. derations called unto hym hys principall Councillors to advise upon the imminent Dangers which threatened their Ruin : At the whiche Councill ther were present

Robert de Quiney
Walter de Ridlefford
Maurice de Prindergast
Myles de Cogan
Myler Fitz-Henry
Myles Fitz-David
Richard de Marsoine
Walter Bluett.

AND divers othirs to the number of twenty, unto whome the Erle addrested his speech to this Effect. " You see, " said he, with what grete Forces our Enemies do besiege " us, we have not Viçuals to suffice us longer than fifteen " Days, a measure of Wheat is now Sold for a marke, of " Barley for half a mark : wherfor I thinke yt best that we " doe presently send to the King of *Connaght*, to tell him, " that yf he will rise and departe from the Seidge, I will " Submitt my selfe unto him, and be his Man, and hold " *Leinster* of him ; and I am of Opinion, that *Lawrence*, " the Arch-Bushope of *Dublin* is the meetest Man to Ne- " gotiat this Business". The Erl's Council was approved, and the Arch-Bushoppe *Lawrence* was sent unto the Kyng ; unto whom when he had made relacione of his message, the proud King for Answerare willed him to tell the beseieged, that unless the Erle would surrender up into his Hands the Citys of *Dublin*, and *Waterford*, and the Towne of *Weisford*, together with all his Fortes, and Castles, and immediately at a Daye assigned Abandone the Lond, and return into *Englande* with all his *English* Forces, he would without further delaye gyve an Assault upon the City, making no doubt but to carry yt by force. The Arch-Bushoppe being returned with this sad answerare (whych wyth an audible Voice he deliverid unto the Erle in prefence of his Councill) they were amazed at the Proud and Exorbitant Demands of the *Irish* Monarque, and grewe to be Penfive. Then *Myles de Cogan* (rousing up his Spirits) brake silence ; " we are " here (said he) a good number of good Men ; our best remedie is to make a Sallie, whiche is least doubted by the " Enemy ; and I hope in the goodnes of God, that we " shall

“ shall have the Victorie, or at least Dye with honour: A. D.
 “ And my desire is that I maye be the furst Man appointed 1170.
 “ to give upon ther quarter” (F). Wyth generall applause
Cogan’s Councell was approvid, and the Captains commaunded to draw forth their Companies; the Vanguard was designed to *Myles de Cogan*, consisting of two hundreth; *Reymond le Grosse* with othir two hundreth commaunded the Battle, and the Erle with two hundreth marched in the Reare. In this interprize, full of Perill, they used not the Aid of their *Irish* Soldiers; for neyther in ther fidelity, nor in their Valour reposed they Confidence, saving onely of the Persons of *Donald Kavannagh*, and *Mac Gely*, and *Awliff O’Carvie*, of whom they wer assured. Unto *Finglas* they directed their March; when they approached the Enemies Campe, who wer careles and secure, not mistrusting any suche attempt, *Myles de Cogan*, to encourage his Souldiers. “ In the name of God (said he) let us this Day
 “ try our Valour upon these Savages, or Dye like Men”, and therwithall broke furiously into the Camp: and made such slaughter, as all Fled befor hym; *Reymond*, callinge upon St. *David*, furiously rushed in amongst his Enemies, and performed Wonders; and so did the Erle *Richard*; but especially *Meylen Fitz-Henry’s* Valour was admired at bye all Men. In *Boynbull* of the Enemies were slain more than one hundreth and fifty; Of the *English* there was only one Footman hurt. This overthrow so discouraged the *Irish*, as the Siege was meerly abandoned; and in the Enemies Campe store of Baggage was gotten, and such quantities of Corn, Meale, and Pork, as was sufficiant to Victuall the Citty for one whole Yere.

DUBLIN beinge thus delyverid from the danger it was in, the Erle, leavinge the commaund therof to *Myles de Cogan*, departid towards *Weixford*, with purpose to delyver *Robert*

(F) *Cambrensis* imputes this Advise to *Maurice Fitz-Gerald* and *Reymond le Gros*, and puts long Speeches into their Mouths to persuade the Adventure; and he makes the disposition of the Sally quite different from what *Regan* does, who probably was present, and best qualified to give an Account of it. But it may be observed of *Cambrensis*, that through his whole History he takes all Occasions to advance the glory of his Relations, the *Fitz-Geralds*, to the prejudice of others, who were equally deserving. It looks from what followed, that *Cogan* had the Merit of the Advice, since the Earl immediately left him Governour of the City in his Absence.

Fitz-

A. D. 1170. *Fitz-Stephen* and his Companions, whoe were still detained Prisoners in the Castle of *Beckerin*. In this March thitherward in a pace in the Country of *Odrone* he was Fought withall by *O-Ryan*, King of the same (G). This skirmish did not contynue long. Among others that did well, the worthy Knight *Meyler Fitz-Henry* deservid the most Honour; and yet that day he was overthrown by the force of a Stone, which was cast at him; but *Nichol* the Monke was most fortunate: for with the Shott of an Arrow he slew *O-Ryan* Lord of *Odrone*; at whose Fall the *Irish* brake, leavying the Field to the *English*.

(G) *Odrone*, or rather *Hy-drone*, is a Barony in the County of *Carlow*, which (as appears here) was at the Time of the Conquest a Territory belonging to the *O'Ryan*s, and held by Fealty and Service under the King of *Leinster*. By the Marriage of Earl *Strongbow* with the Daughter of that Prince, and his Death, the Services devolved on the Earl, to whom by *O-Ryan*'s non-submission and Resistance, it became forfeited. Upon the failure of the Issue Male of *Strongbow* the whole Kingdom of *Leinster* was divided between his five Daughters, and the County of *Carlow* became the Property of *Margaret* Countess of *Norfolk*, who granted *Odrone* by certain Services in fee to the Family of the *Carew*s. Sir *John Carew* died seized of this Barony Anno. 36. *Edward* III. and Sir *Leonard Carew* died seized of it in the 43d Year of that King. All this appears by an Inquisition taken Anno 18. *Richard* II. though enrolled in the 11th of *Elizabeth*; by which also it is found, that upon the Death of Sir *Leonard Carew*, *Mac-Morrough*, alias *Cavenagh*, Chief-tain of his Name, possessed himself of the said Barony, and (as the Inquisition speaks) held it *Mansu forti*, by a strong Hand. In the 11th Year of Queen *Elizabeth* Sir *Peter Carew*, lineal Descendant of the above mentioned *Carew*'s, exhibited a Bill before the Lord Deputy and Council for the Recovery of the said Barony against five of the *Cavenagh*'s, who were then in Possession of it, and pretended a right thereunto derived from their Ancestors both before and since the Conquest. But upon a full hearing before the Lord Chancellor *Weston*, the three Chief Judges, and several others of the Council, a Decree passed for Sir *Peter Carew*, not only upon the evidence of the Inquisition before mention, but upon divers other records, by which it appeared that the *Carew*s answered in the Court of Exchequer for the rents and Royal services due for the said Barony, till they were disseised in time of common Rebellion by the *Mac Morrough*s, who pretended a title thereto by descent from *Dermod* ny *Gall Mac Morrough*, the last King of *Leinster*, which they offered no proof of: And the decree takes notice; that such pretended Title could not be true; because that K. *Dermod* had but one Daughter and Heir, who was married to Earl *Strongbow*, from whom the said *Mac Morrough*s were not descended.

the said daughter

The

The Place where this fight was is called the *Earls Pace* from him] (H). A. D. 1170.

FROM thence the Erle marched to *Wexford*; the Inhabitants whereof before his coming abandoned the Town, and burnt it to the Ground; and for safety fled to *Beckerin* (I), which the Erle would fain have Attempted; but at this time could not; for it was incompassed with the Sea; wherefore he gave over that Enterprize, and went to *Waterford*.

THE Erle was no sooner come to the City, but a Messenger from *O'Brien*, King of *Limerick*, repaired unto him from his Master, praying hym with all his Forces to March into *Offery* against *Donald*, that common Enemy. The cause of Friendship between the Erle and *O'Brien* was, that *O'Brien* had Married one of the Daughters of *Dermond*, Kyng of *Leinster*, and half Sister to the Erle's Wife. Unto the message the Erle made answere, that he wuld satisfie *O'Brien's* request, and they met at *Ydough* (K); and being joined, their Forces were two thousande strong. *Donald*, fearinge the approach of his Enemies, sent to the Erle, to desire hym that he mought have a safe guard to come unto him, and then he doubted not but to gyve him satisfaction. The request was graunted, and *Maurice de Prindergast* was sent for hym; but he, for the more Securitie obtained the Words of the Erle and *O'Brien*, and the Othes of all the Chieftains of the Army, that the Kyng of *Offery* shuld come and returne in safetie; which done, he went to *Donald*, and within fewe Hours he brought hym to the Campe in the presence of all the Army. The Erle and *O'Brien* chardged him with divers Treasons and Practices, which he had attempted against his Lord, the Kyng of *Leinster* deceased; and *O'Brien*, and all the Captens disallowinge of his Ex-

(H) What lies within the Crotchets seems to have been an Addition made to our Author by some Transcriber. For Names of Places are not usually taken up immediately upon the event; but gain a Reputation by time.

(I) *Beckerin*, rather *Beg-Eri*, i. e. little *Ireland*, an Island lying off the Port of *Wexford*, famous for a School and Monastery, erected there by St. *Ibar* before the Arrival of St. *Patrick*. See the Antiquities of *Ireland* Chap. vi. under the word *Edri*; and Chap. 30 p. 198.

(K) *Ydough*, a Territory in the County of *Kilkenny*, comprehending the Barony of *Fassaghduing*, anciently the Country of the *O'Brenans*, and now a good part of it the Estate of *Wandesford*, Lord *Castle-Comer*, famous for its Collierys.

cuses,

A. D. 1170. cuses, counsell'd the Erle to hang him, and *O-Brien*, without delay, commaunded his Men to harraffe and spoile *Donald's* Countrie, which willingly they performed. *Maurice de Prindergast*, misliking thes Proceedings, and seeinge the danger the King of *Offery* was in, presently mounted on his Horse, commaunded his Companie to do the like; and said "my Lords, what do you meane to do," and turning to the Captens, he tould them "that they dishonoured themselves, and that they had falsified ther faiths unto hym." And sware by the Crofs of his Sword, that no Man there that Day shoulde dare lay Handes on the Kyng of *Offery* (L); wherupon the Erle, having sense of his Honour, calling to mynde how far it was ingaged, delivered *Donald* unto *Maurice*, commaunding him to see him safely conveyed unto his Men. Upon the way in their retorn they Encountered *O-Brien's* Men laden with the spoiles of *Offery*; *Prindergast* chardged them, slaying nine or ten of those free Booters. And havyng brought *Donald* to his Men lodged with him that Night in the Woods, and the next Morning returned to the Erle.

THE Expedition of *Offery* being determined, *O'Brien* returned to *Limerick*, and the Erle to *Fernes*, wher he remained eight Days; in which Time *Morroagh O'Byrne* (who evermore had been a Traitor unto King *Dermond*) was brought Prisoner unto hym, immediately beheaded, and his Body cast to the Dogs; and with him a Son of *Daniel Kevanagh* (M) was executed. The Erle not being unmindful

(L) This behaviour of *Maurice de Prindergast* must be grounded meerly upon a Sense of Honour: For it is seen before how treacherously the King of *Offery* dealt with him, which would have incited a meaner Soul to have laid hold of such an opportunity of revenging himself, especially when he was supported by the chief Powers of the Army.

(M) It does not appear any where what the offence of *Daniel Kevanagh's* Son was, that the Loyalty and good Services of the Father could not atone for him. As the Earl punished the Son, he at the same Time shewed his Justice in conferring ample rewards on so meriting a Person as *Daniel Kevanagh*, by bestowing on him the Plains of *Leinster*: but why they were so called or where they lay does not clearly appear. Sir *James Ware* takes no notice in the Distribution of the Lands made by Earl *Strongbow* of those Donations made

ful to rewarde those who had deserved well, gave to *Moriertach* the Country of *Kinsellagh*, and unto *Daniel Kevanagh* the Plains of *Leinster*. A. D. 1170.

| | |
|-------------------------------------|--|
| <i>Liquens, li ad tunc grante</i> | To him (i. e. <i>Moriertach</i>) |
| <i>De O'Kincelagh, la Regne</i> | he then made a grant of |
| <i>De Leinster le pleis Vallant</i> | <i>O'Kinsellagh</i> ; the Plains of |
| <i>A Donald Kevanagh, le fils</i> | <i>Leinster</i> he gave to <i>Donald</i> |
| <i>Dermot.</i> | <i>Kevanagh</i> , the Son of <i>Dermot</i> . |

OF which Countries they wer by the *Irish* presently called *Kyngs*; the manner of *Irland* beinge to call every Lord of a Countrie King of the same; wheras in Truth there are but six Kings, namely of *Meath*, *Leinster*, *Desmond*, *Munster*, *Connaught*, and *Ulster*.

THE Kingdome of *Leinster* beinge now well quieted, the Erle received an Exprese Commaundment from *Henry*, King of *England*, upon his Dutie, all Excuses set appart, presently to repaire unto him. He preferring Obedience befor Sacrifice, leaving *Miles de Cogan* to govern *Dublin*, otherwise called *Atheliath*, and the Cittie of *Waterford* (in *Irish* *Portlargie*) to be commaunded by *Gilbert de Borard*, embarqued, arrived at *Wales*, and found the King at *Pembrook*; whoe seemed to be glad to see him, and gave him a gracious Welcome; yet his Hart was full of Rankor; bred by the ill Information of suche as maligned his Prosperity (N). A. D. 1171.

IN the meane Tyme, while *Hesculph Mac-Turkill*, (who had beene Lord of *Dublin*, and chafed thence by the *English*) desirous to recover his lost City, and to re-establist himself

made to *Moriertach O'Kinsellagh*, and *Daniel Kevanagh*, though they were the first grants he made in *Ireland*, but confines himself to those made to the *English* Adventurers, all which he takes from *Regan*. The *Kevanaghs* now remaining in *Ireland*, some of whom are well estated Men, are probably descended from this *Daniel Kevanagh*; for as King *Dermot* had no legitimate issue Male, their claim from him cannot well subsist.

(N) *Cambrensis* says, that the Earl met the King at *Newbam*, near *Gloucester*, and that after many Altercations the King and he were reconciled by the Mediation of *Hervy de Monte Marisco*, the Person who had brought the King's Commands to the Earl, and now returned with him. The King was infinitely jealous of the success of the Earl, and thought himself robbed of the glory of so great a Conquest. But upon the Earl's submission, and his offering to give up what he had acquired either by Arms or Marriage, the King's Anger was assuaged.

A. D.
1171.

in his former Greatness, arrived in the Harbrough of *Dublin* with ten thousand Soldiers, levyed in *Man*, and *Agz* (O), and from *Norway*; there came to his Aide *John le Dene*, a Man of grete Estimatione, and followed by *Norwighians*, whereof this Army most consisted. In landings of ther Men no Tyme was lost; for their Design was to Besiege the City. The Governour, *Miles de Cogan*, to prevent the Dangers at hande, was not Negligent to prepare and provide for his necessarie Defence. Not far from *Dublin* ther liyed an *Irish* King named *Gillmebolmogh* (P), whose Hostages were with *Cogan*, and was at Peace, and a good Neighbour to the *Engliss*. As soone as he had news that *Hesculph Mac Turkill* was landid with his Army, he came to aduise with *Miles* what he shulde doe; wherunto he answered; if you perform what I shall require, at your Hands, I will render your Hostages unto you safe, and free; but firste I must require on Othe from you for Performaunce of the Conditions; which is, that when the Enemy and we shall Fight, you and your Men will stand in some convenient Place, where you may behold our Actions, as Newtralls; and if you find that they Fainte and Flie before us, that your Men and you will help us to Kill them; and if we, like Cowards, will turn our Backs, and be pursued, that you will Kill as many of us as you can, that we maye not Die by ther Swords. *Gillmebolmogh*, havinge sworne to the Conditions, presently departid out of the City to a place, from whence he might (in safety) behold the success of the Encounter expected. *John le Dene*, the *Nor-*

(O) Whether *Agz* be miswritten by Transcribers, or be any Island among the *Ebude*, or *Orcaides* of *Scotland*, or whether it be any Place on the Coast of *Norway*, must be left to farther inquiry. *Cambrensis* says that *Hesculph* had obtained Aids in *Norway*, and from the northern Islands. *Aggarbus* is a maritime Province of *Norway*; but it would be too hardy to affirm, that that is the *Agz* here mentioned; yet as most of *Hesculph's* Aids came from *Norway*, and *John le Dene*, (called by *Cambrensis* *John Wood* or *John Med*) was of that Country, it would tempt one to seek no farther than there for *Agz*.

(P) This petty King, or some of his Name it is probable inhabited within the Walls of *Dublin*: For the Lane now called *Michael's Lane*, is described in the black Book of *Christ Church* by the Name of *Gillmebolmogh's Lane*.

weigian,

Norwegian, marched with a Troope to St. Mary's-Port (Q) A. D. 1171, on the East parte of the City, to give an Assault upon it. *Miles de Cogan*, fearinge that at one Instant they would Attempt some othir parte of the Town, commaunded his Brother *Richard Cogan* with three hundreth Horsemen, to Issue out of the South Gate, with Direction, that as soon as *Mary Port* shuld be assaulted (where himselfe would make Defence) that he shuld Charge them with his Horse. *John le Dene* at the East Gate gave a furious Assault; the *Kerne* were mounted upon the Wall, and repulsed with the Loss of more than five hundreth Men, besides hurt Men; which argueth that *Miles de Cogan* and his *English* made admirable Defence. In the meane Tyme *Richard Cogan*, with his Horse Troope, valiantly charged theme in the Rear, wyth such Courage, as they were confusd; which *Miles* perceaving opened the Gate, and with three hundreth Horse and Foote made a Sallie, where with they were instantly routed. *John le Dene*, seeinge the Daye to be lost, made all the haste he mought to Succour these, that were yet unbroken; but *Myles* and his Brother in a shorte Tyme obtained a full Victorie; and though everie Man did performe as much as might be expected, yet *Richard Cogan* wann Honour above the rest, as well for his Valour as for hys Direction and Execution. The *Irish King*, *Gillmeholmoeh*, not unmindefull of his Promise (having exhorted his Men to follow his Example) as soone as the *Norwegians* were broken, pursued the Chase with much Eagerness, and Slew as manie as their Swords could reach; the dead Bodies of the Enemy in this Campe was nombred to be about two thousande. *John le Dene* shewed himselfe to be a Man of much Valour, and grete Strength; for at one Blowe wyth his Axe he cut off the thigh of a Horse-man in sunder, that the Legg fell to the Ground; but presently he was Slaine by *Myles de Cogan*; and *Mac-Turkill* was by *Richard Cogan*

(Q) St. Mary's Port, on the E. side of the City, has, since *Rogan's* Time, been called *Dame's Gate*, and sometimes the Gate of St. Mary *les Dames*, from the Church of St. Mary *les Dames* which stood contiguous to it within the Walls of the City, upon the rising Ground of *Cork-Hill*. Till the Reformation an Image of the Virgine *Mary* stood in a Niche of Stone-work over the Gate, the Pedestal and other Remains whereof remained in our Memory, till the Gate itself was demolished; and from this Gate *Dame-Street* derives its Name; and not from a Mill Drain without the Walls, as some have vainly conjectured.

A. D. 1171. taken Prisoner; whome *Myles*, in the fight of his Men that were a board the Shippes, caused to be beheaded. In this grete Defeate ther was not above nine or ten *Englisch* Men slaine, and muche Spoile gained; those which saved themselves by the Flight culd not get to their Ships, but fled disperedly into the Country, where they were slaine in grete Nombers; foe as of this great Army two thousande did not escape, and most of their Shippes afterwards, being homeward Bound, perished by Tempest.

WHILES K. *Henry II.* lay at *Pembroke*, divers of the Traytors of *Weixford* (that held *Robert Fitz-Stephen* Prisoner). passed the Sea into *Wales*, and procured meanes to present themselves unto the Kinge; which they did in grete Humility, beseeching God to preserve him, and to accept of theme as hys humble Servaunts; sayeing, that they purposely came unto hym, to lett hym knowe, that they had in their Prison *Robert Fitz-Stephens*, whoe had evermore beene a Traitor unto him, and in former Tymes had rebelliously moved Warr against hym bothe in *Wales* and *England*; that they would delyver him into his Handes to doo his Pleasur with him. Alsoe they complained, that he had wrongfully with Forces entred into *Ireland*, slaine many of their People, burnt their Townes, and destroyed their Countrey. The King bad theme wellcome, thankeing theme for their good Service done unto him in takeing suche a notorious Traitor; and they shuld see, that he wuld, as soon as he came into *Ireland* punish *Fitz-Stephens* accordinge to his Demeritt; and so he dismissed them to their Contentment. The Reason which movid the Kinge to seeme to be so highlie offended with *Fitz-Stephens* proceeded out of his Feare, that yf he had not given theme a pleasinge Answer, as he did, in their Malice and Furie they wuld have murdered him in Prison.

As soone as the Winde served, *Kyng Henry*, attended by Erle *Richard*, *William Fitz-Aldelme*, *Humfrie de Bohun*, *Hugh de Lacy*, *Robert Fitz-Bernard*, with divers others Lordes, Erles and Barons, besides four Hundreth Knights and four Thousande Soldiers, imbarqued for *Ireland*, and landid nere unto *Waterford*; which City the Erle *Richard* deliverid unto hym, and did Homage for the Kyngdome of *Leinster*, the Inheritaunce wherof was graunted unto hym; the Government of *Waterford* was bestowed upon

upon *Robert Fitz-Bernard*; but before the Kyng's departur the Men of *Weixford*, as they promised, brought *Robert Fitz-Stephen*, and delivered him to the Kyng, where in the Presence of all that were present he sharply reprov'd *Fitz-Stephen* for his past Misdemeanours. He made his humble Excuse, and all the Lordes, as well *English*, *Normans*, and *Flemings*, became Suretie for his future Behaviour.

A. D.
1171.

THE Kyng, makeing but little Staie at *Waterford*, marched into *Dublin*, whych City the Earle deliverid unto him; who committed the keepeeinge thereof to *Hugh de Lacy*.

A. D.
1172.

AFTER some small abode at *Dublyn*, the Kyng tooke his Jorney into *Mounster*, where the Archbushop of *Cashell* came unto hym; at *Lismore* he gave Direction for the building of a Castle; from whence he returned into *Leinster*.

THE Kyng made his abode at *Dublin*, and the Earle *Richard* at *Kildare*; and in thys Tyme of the Kyng's beeing in *Ireland* all sorts of Victualles were at excessive Rates.

WHILE the Kyng remained at *Dublin*, by Messengers and Intelligence out of *England* he was certified, that his Son, the yonge King *Henry* had rebelled against him, and that *Normandie* was in Danger to revolt unto hym.

THIS ill Newes troubled the Kyng beyond all Measure; and inforced hym to hasten his return out of *Ireland*. The Cittie of *Waterford* he left in the Custodie of *Robert Fitz-Bernard*, and *Dublyn* unto *Hugh de Lacy*. *Robert Fitz-Stephen*, *Meyler Fitz-Henry*, and *Myles Fitz-David* were in a sort restrained, and to remain at *Dublyn* with *Lacy*. Befor his Departur from *Dublyn* he gave unto *Hugh de Lacy* the Inheritance of all *Meath*, to hold of hym at fifty Knights Fees, and unto *John de Courcey* he gave all *Ulster*, if he culd conquer it.

WHEN the Kyng had taken provisionall Order for the Affaires of *Ireland*, he went to *Weixford*, where he imbarqued, and arrived at *Portsmann* in *Wales*, halfe a League from *St. David's*, and in his Companie *Miles de Cogan*, whom he carryed with hym out of *Ireland*; and from thense with all possible Expedition he passed through *England*, and so into *Normandie*.

A. D.
1173.

THE Kyng being departid, the Earle *Richard* returned unto *Fernes*, and ther he gave his Daughter in Marriage to *Robert de Quiney*, and with her the Inheritance of the

A. D. 1173. *Duffryn* (R), and the Constableship of *Leinster*, with the Banner and Ensigne of the same (S) : the Wordes of the Author are these,

| | |
|-------------------------------------|--|
| <i>Sa fille i' ad Marie</i> | His Daughter he married : |
| <i>A Robert de Quiney, lad donc</i> | To Robert de Quiney : |
| <i>Iloc estoit le Mariage</i> | And when the Mariage was |
| <i>Vicent fut le barnage,</i> | solemnized, |
| <i>A Robert la Donat de Quiney</i> | He gave to Robert de Quiney, |
| <i>Et jut le Duffer altressi</i> | Not only the <i>Dufferayn</i> , [ter, |
| <i>Le Constable de Leynestre</i> | But the Constableship of <i>Leinf-</i> |
| <i>Et l' Ensigne et le Bannere.</i> | And the Ensign and Banner |
| | thereof. |

From thence he went to *Kildare*, makeing manie Incursions unto *Ophalie* (T) upon *O'Dempsey*, Lorde of that Countrey, who refused to come unto hym, and to deliver Hostages. The Erle to subdue him made a Journay in Person upon hym ; *Ophalie* was burnt and harrased, the whole Preye of the Countrey taken, and the Armie retired towards *Kildare*. In the Retrait the Erle with a thousand Men marched in the Vanguard, and the Reare was commaunded by *Robert de Quiney* : (U) in the Pace, when the Vanguard was past, *O'Dempsey* gave upon the Reare ; at which Chardge *Robert de Quiney*, with many others, were slaine, and the Banner of *Leinster* lost ; for whose Death, as well by the Erle, as by the whole Army, grète Lamentation was made. This *Robert* by the Erle's Daughter had Issue one onely Daughter

(R) The *Duffryn* in the County of *Wexford*, a Tract of coarse Country in the Barony of *Scarewalsh*, extended along the County of *Carlow*, and separated from it by a Ridge of Hills called *Mountleinster*. A great part of it, if not all, is now the Estate of the *Colcloughs*.

(S) By the Banner and Ensign of *Leinster* is meant the military Government of it ; as the Constableship was the civil Authority thereof.

(T) *Ophaly* is now a Barony in the County of *Kildare* ; but was formerly, of larger extent, and comprehended part of the *King's County* and part of the *Queen's County*. The *O'Dempsey* were Lords of part of it called *Glennalugbra*, or *Glenmahyre*, which lay on the East side of the River *Barrow*, and held the same by Services from *O'Connor, Faigue*, or *O'Connor of O-Phaly*, who was Lord of the whole Territory.

(U) *Robert de Quiney*, as is seen before, had the charge of the Banner and Ensign committed to him, and he who had that Office, always marched in the Van-guard going to meet the Enemy, and in the Rear returning back, as the Station of the greatest Honour and Danger.

and

and Heir, afterwards married to a worthy Gentilman named *Philip de Prindergast*, Sonne to *Maurice de Prindergast*, so often mentioned, and they lived in *O-Kynsellagh*. A. D. 1173.

ROBERT de Quiney beinge dead, *Reymond de Grosse* prayed the Erle to gyve hym his Sister in Marriage, and withe her the Constableshipp and Banner of *Leinster*, during the Minoritie of *Quiney* his Daughter; and untill she wer disposed in Marriage unto one that were sufficient to discharge that Office. Unto this Suite the Erle gave a deafe Eare, saying, he would advise upon it; for as then he was not disposed to graunt his Request: Whereupon *Reymond*, full of Discontent, takeing his Followers with hym, tooke his Leave of the Erle, and passed the Sea into *Wales* to live retired to *Karrew*; wherof the Author writeth thus,

| | |
|---------------------------------------|---|
| <i>En Gales puis enfin passent</i> | At length passing into <i>Wales</i> , |
| <i>Pour le ire que il ont</i> | For the Anger which he conceived |
| <i>Del cunt qui lui escondist</i> | |
| <i>De la request que luy request.</i> | At the Answer made to his Request; |
| <i>Ist en telle manere</i> | |
| <i>De parti Reymund de la terre</i> | <i>Reymond</i> departed out of the Land, |
| <i>Vers Gales passa la mer</i> | |
| <i>A Karrew al ascierner.</i> | And passed the Sea to <i>Wales</i> , To sojourn at <i>Karrew</i> . |

KYNG Henry beinge in his Warres in *Normandie* against his Sonne, the younge *Henry*, wrote a mandatorie Letter to Erle *Richard*, commaunding hym upon the sight therof to make his present repaire unto hym, with such Forces as he could make, to assist hym in his Warres against his Sonne. The Erle passed the Seas; his coming to *Normandie* so well pleased the Kyng, as he gave him the Custodie of the Towne of *Gisors*; and while he remained in these Parts *K. Henry* received such Contentment in his Service, that at his departur for *Irland* he wrote Letters unto the Guardians of *Dublin*, *Waterford*, and *Wexford*, to deliver the seyde Townes unto the Erle; whych accordingly was afterwards at his arrivall in *Irland* with a prosperous Wind and he landed at *Dublyn*, and the Citty was by *Laty* rendred unto hym. From all Partes the *English* resorted thither; there he signified the King's Pleasur, which was, that *Robert Fitz-Barnard*, with the Garrison that he had in *Waterford*, shuld presently

A. D.
1173.

presently embarque themselves for *Normandie* in the Kyng's aide, and that in their Rooms the Erle, at his Discretion, shuld send thither a competent Number of Soldiers for the Defence of that Cittie. The like Commaundment he layed upon *Robert Fitz Stephen*, and *Maurice de Prindergast*, who afterwards had the Countrey of *Kinsellagh*,

HUGH de Lacy, haveing deliverid the City of *Dublyn*, as he was commaunded, to the Erle, he retired hymselfe, with all his Followers, into *Meath*, to inhabite the same.

IN Obedience to the King's Commaund, *Robert Fitz-Barnard*, *Robert Fitz-Stephen*, and *Maurice de Prindergast* made all possible Expedition to imbarque themselves; and being safely arrived, they rode to *London*, at which tyme the Kingdom of *England* was all in Armes by Reason of an Invasion made by the Kyng of *Scotts*, and by the Defection of the Erle of *Leycester*, who joyned with him, haveing drawn unto hym manie Companies of *Flemings*. The Knights of *Ireland* put themselves as Voluntaries into the Kyng's Army, and by their Aide the *Scottish* Kyng and the Erle of *Leicester* were in Battle defeated, and taken Prisoners; which done they passed into *Normandie*, bringing unto the Kyng news of the Victory, who rendred unto theme many Thanks for their good Service and entertained theme with Grace and Favour.

IN the mean Tyme the Erle *Richard* was busied with his Affaires in *Irland*, and missinge the Service of *Reymond* (whych he much desired) sent a Messengir unto him, to pray hym to returne againe into *Irland*, and then he wuld give hym his Sister in marriage. *Reymond* full of Joye presently furnished three Ships, and accompanied with manie Friends and Followers, past the Seas, and arrived at *Weixford*; from whence he dispatched a Messinger unto the Erle, who was then at *Waterford*, to advertise hyme of his arrivall. The Erle rejoyced muche to heare of his returne, and sent him Worde, that he shuld repaire unto hym at a Place assigned; whereof *Reymond* failed not to perforce as he was directed.

From the place of ther meeting they marched immediately to *Weixford*, where, in the presence of a great Assembly, he gave his Sister unto *Reymond*, and with Solempnitie the Marriage was perforce; and, as he had promised, he gave unto *Reymond* the Constableshepp of *Leinster*, with the Ensign

Ensign and Banner, to hold the same untill the Daughter of *A. D.*
Robert de Quiney should be out of her Minority; who af- 1173.
 afterwards (as it is sayd) was married to *Philip de Prindergast*.
 The Earle also gave in Marriage with his Sister *Fetberd*,
 (X) *Odrone*, and *Glascarrig* upon the Sea, unto him and
 his Heires for ever: The Author's Wordes are these.

| | |
|-----------------------------------|--------------------------------------|
| <i>Fetberd li donat li Cuntur</i> | The Earle gave to him <i>Fetbard</i> |
| <i>A mariag od sa sorur</i> | In marriage with his Sister; |
| <i>Puis li ad faches done</i> | Then he gave him <i>Odrone</i> |
| <i>Odrone tut enberits,</i> | In full Inheritance, |
| <i>Et Glaskarrig ensement</i> | And <i>Glascarrig</i> likewise |
| <i>Sur la mer vers le Orient.</i> | Upon the Sea towards the East. |

Alsoe he was bountifull unto othirs. For unto *Henry de*
Momorecy he gave *O-Barthie*, unto *Maurice de Prindergast*
 he gave (in performance of his Promise made unto hym,
 when he brought him into *Irland*) *Fernegenall*, for the Ser-
 vice of ten Knights, which was afterwards conferred upon
Robert Fitz-Godobert, but by what Meanes he obteyned it I
 know not.

UNTO *Meyler Fitz-Henry* he gave *Carbrie*, unto *Maurice*
Fitz-Gerrald, the *Naas Offelan* (which had been possessed
 by *Mc. Kelan*) and *Wicklow*, which lyeth betweene *Bree*,
 and *Arckloe*; and this was the Land of *Killmantan*, between
Adcleth and *Loughgarman* (Y). Unto *Walter de Ridlesford*
 he gave the Lands of *O-Moretheie*.

UNTO *John de Clabul*, (Z) he gave the Marshallshipp of
 all *Leinster*, and the Land between *Aghbow* [*Aghbooe*] and
Leighlin.

(X) Rather, *Fetbart*, as it is in the Copy of *Regan* used by Sir *James*
Ware; which *Fetbart* lay on the East side of the River *Liffey*, near its rise
 in the County of *Wicklow*, and comprehended a good Part of the antient
 Territory of *Cualan*; and is not the Town of *Fetberd*, which lies in the
 South of the County of *Wexford*.

(Y) *Carbrie* and *Naas* are Places too well known to need Explanation,
 the former being a Barony, and the other a Town in the County of *Kildare*.
Wicklow was antiently called *Kilmantan*, as *Wexford* was *Loughgarman*.
Offaly is also a Barony in the County of *Kildare*. What were the Tracts
 called *O-Barthie* and *Omorithie*, *Arde* and *O-Felmeth* must be submitted to a
 further Enquiry.

(Z) *Clabad* in the College Manuscripts.

UNTO

A. D.

1173.

UNTO *Robert de Bermingham, Offaly.*UNTO *Adame de Hereford*, he gave large Possessions (A).UNTO *Myles Fitz-David*, whose was one of his cheif Favourites, he gave *Overke* in *Offerie*.UNTO *Thomas le Fleming, Arde.*UNTO *Robert de Berard, O-Felmeth.*UNTO a Knight called *Reynond* (B) he gave fifteen Knights Fees adjoining to the Sea.UNTO one named *Robert* (who was afterwards slaine in *Connaght*) he gave the *Norrage*.Howe the Erle disposed of his Landes sufficientlie is sayd ; it rests nowe to declare what Partition *Hugh de Lacy* made of his Landes in *Meath*.UNTO his intrinsicke Friend, *Hugh Tyrrell*, he gave *Castleknoche* (C).UNTO *William Petit, Castlebreck.*UNTO the valiaunt *Meyler Fitz-Henry* he gave *Magherenan*, the Lands of *Rathkeninn*, and the Cantred of *Hadnorkur* (D).UNTO *Gilbert de Nangle* all *Makerigalin*.UNTO *Jesselin*, the Sonne of *Gilbert de Nangle*, the *Navan*, and the Lands of *Ardbreckan* (E).UNTO *Richard Tuite* he gave faire Possessions.UNTO *Robert de Lacy, Rathwer.*UNTO *Richard de la Chappell* he gave much Land.UNTO *Gefferie de Constantine Kilbixie* and *Rathmarthie* (F).

(A) These were the Tenement *de Saltu Salmonis*, Salmon Leap (from whence the Barony of *Salt* in the County of *Kildare* has its Name) *Clons Curry*, *Kille*, *Houterard*, and the Tenement of *Donning*, with all their Appurtenances. The *Norrage* given to *Robert [Fitz-Richard]* is a Barony in the County of *Kildare*.

(B) *Reynond* in *Ware*, and in the College Manuscripts.

(C) It seems the Territory of *Meath* extended much closer upon *Dublin* than the County of *Meath* now does.

(D) *Atlinoker* in *Ware's* Copy, now *Ardnorker* in *West-Meath*.

(E) These are now the demaine Lands of the Bishops of *Meath*.

(F) This Grant to *Constantine* is more fully expressed in a Charter made to him by *Walter Lacy* the Son of *Hugh*, namely, five Knights Fees in the Theof of *Kilbixie*, with a Castle and fifteen Knights Fees in the Lands of *Cohemake* [i. e. *Connacne de Muierin*, in the County of *Longford*, which was a Part of the ancient *Meath*] next adjoining to the said Castle beyond the River of *Eithne*, i. e. the *Inny*, by the Service of four Knights.

UNTO

UNTO { *Adams de Feipo*, (G). } He gave large Inheri-
 { *Gilbert de Nugent*, } tances,
 { *William de Misset*, }
 { *Hugh de Hufe*, }

UNTO *Adam Dullard* he gave the Lands of *Dullennorthy*.

UNTO one *Thomas* he gave *Cramly*, *Tym*, *Lathbagan*,
North-East from Kenlis, *Lachraethalim*, and *Sandruvanab*,

UNTO *Richard de Fleming* he gave *Crandan*, at twentye
 Knights Fees,

Having thus bestowed his Landes, he endeavoured by
 all possible Means to strengthen himself with Men and
 Armes, as well to defend himself, as to annoy his Enemies.

To impeach their Plantation, *O-Karrell*, (H), King of
Uriel, *Me Donleue*, Kyng of *Ulster*, the Kyng *O-Rourke*,
 and *Melachlin*, with twenty Thousande *Irish*, invaded *Meath*;
 they burnt and spoiled all the Countrey, and destroyed many
 of their new built Forts and Castles; but, yet, not without
 grete Slaughter of the Invaders.

THE Erie *Richard* having (as is thought) pacified *Lein-*
ster, the *Irish*, notwithstanding their Pledges, were in his
 Handes, conspired against him (I,) Namely,

(G) The grant to *Feipo* was of the Lands of *Shrine*, and one Knights Fee
 about *Dublin*, namely, *Clontarbt* and *Santress*, i. e. *Clontarffe*, and *Santry*,
 so that on this Side the Territory of *Meath* bounded very near upon *Dublin*.
 The Lands granted to *Gilbert de Nugent* were *Daboin*, now a Barony in the
 County of West *Meath*, antiently the Territory of the *O-Finellans*, with all
 the Appurtenances and Villages lying within the said Lands, (except one
 Town belonging to the Abbot of *Foure*, called *Torrechesb*) by the Service of
 five Knights. To *Misset* he gave the Lands of *Luis*, now the Barony of
Lune in the County of *Meath*, and to *Hufe* or *Huffey*, all the Lands of *Dier*
 (i. e. the Barony of *Deece* in the County of *Meath*), which *Scaiblin*, i. e.
Melfetblin of *Meath* held.

(H) *Uriel*, called also *Orgiel* and *Oriel*, was a large Territory, governed
 by its proper Kings, comprehending the Counties of *Louth*, *Monaghan*, and
Armagh.

(I) Neither *Cambrensis* nor *Regan* have given us the Reasons of the De-
 fection of those, who had so lately sworn Allegiance to the K. of *England*.
Dowell Kevernagh, and *Gillembolmuck*, had been hitherto faithful; and there-
 fore it must be some great Provocation that could so soon shake their Loyalty.
 Perhaps Jealousies entertained thereof, Wrongs in their Properties, or the
 Cruelties of a Government, as yet for the most Part founded upon military
 Principles, might have caused this Revolt; and the Opportunity was invit-
 ing, as the King had full Employment in *France*, and was attended by con-
 siderable Forces out of *Ireland*.

Donnell

A. D. 1173. *Donnell Kevanagh, Moriertagh Mc. Donchad, Mc. Daloy, O-More, O-Dempsey, O-Danoghan, O-Byrn of the Duffren, Gillmeholmock, Mc. Kelan, O-Lockan of Obarthie, with many others, rose in Arms against him.*

HUGH de Lacy had built a strong Castle at *Trym*, invironed with a deep and lardge Ditch, which being furnished, and competently garnished, he departed for *England*, leaving the same in the Custodie of *Hugh Tyrrell*. The Kyng of *Connaught* to destroye it assemblid all the Forces he culd make. The Principalls of his Army, who were Commanders and Chieftaines were,

O-Flahertee, Mc. Dermond, Mc. Cherathie, O-Kelly, Kyng of O-Many, O-Harthisse, O-Himathie, O-Carbry, O-Flanagan, O-Manethan, O-Dude, O-Shafnes of Poitilaban, the Kyng O-Melachlin, the Kyng O-Rory, O-Neil of Kinell, O-Malory, Mc. Donleve, Kyng of Ulster, the Kyng of O-Karvill, Mc. Tawene, Mc Skilling, Mc. Cartan, Mc. Garraga, Mc. Kelan, O-Neale, Kyng of Kinelogin, and many others, whose Names are omitted, that put themselves into O-Connor's Army, with purpose to destroye the Castle of Trym.

HUGH Tyrrell, beinge advertized of their coming, dispatched Messengers unto the Erle, beseechinge hym to come to his Aid; the Erle presently assemblid his Forces, and marched towards *Trym*. But *Hugh Tyrrell* seeinge the Enemy at hand, and findinge himselfe too weake to make Resistance against their Multitudes, abandoned the Castle and burned it. The *Irish* Kyngs perceaveing that done to their Handes, which they intended to have done by Force, returned towards their own Countries. The Erle upon his Waye meeting with Intelligence, that *Trym* was burned, marched on; and when he came thither he neyther found Castle nor House to Lodge in; wherefore he made no staie, but pursued the Enemy, and fell upon their Reare, of whome one hundreth and fifty were Slaine; which done he returned to *Dublin*, and *Hugh Tyrrell* to the ruined Castle of *Trym*, to re-edifie the same, before *Hugh de Lacy* his return out of *England*.

THE Erle *Richard*, by the Advice of his Councell, assembled all his Forces to make War upon *Donell O'Brien*, King of *Limericke*. With the good likeinge of all the Chieftaines, *Reymond le Groffe*, the Constable of *Leinster*, whose

whoe was a Man Discreete and Valiaunt, and by his Parents of good livelyhood, was designed to be General of the Army; their Randevouze for the assembling of their Troopes was *Offery*. The Kyng of *Offery* joined with them, and undertooke to guide the Army upon *O'Brian*. Nevertheless *Reymond* mistrusted his Faith, whyche the Kyng of *Offery* perceaving, protested his Integrity with suche Fervency, as it gave full Satisfaction, that he wuld be faithfull unto hym; which *Donald* performid with Sinceritie, in guiding the Army untill it came to the Cittie of *Limericke*, whych was invironed with a Foule and deepe Ditch, with running Water, not to be passid ovir without Boats, but at one Foord onely. At the first Approach the Soldiers were discouraged, and mutined to returne, supposing the Cittie, by reason of the Water, was Impregnable. But that valiaunt Knight, *Meyler Fitz-Henry*, haveinge founde the Foord, wyth a loude Voice cryed, *St. David*, Companions, let us Couragiousslie pass this Foord. He led the Waye, and was followid but by four Horsemen, who, when they were gotten ovir, were assailed by the Enemie.

HERE abruptly ends the Fragment, being but the Storie of scarce full three Years after the first arrival of the *Englisb* in *Ireland*.

APPENDIX.

See also list in back of Howland
(manuscript Vol. VI.)

A P P E N D I X.

C O N T A I N I N G

An Alphabetical list of such *English* and *Welsh* Adventurers, as assisted in the Reduction of *Ireland* during the first sixteen Years from the Invasion, collected partly from the foregoing Fragment, partly from *Giraldus Cambrensis*, two contemporary Writers, and partly from Records.

| | |
|--|--|
| Almane, Walter, <i>nephew to</i> William Fitz-Aldelm. | Camerarius or Chamberlain, Adam |
| Barry, Robert | Caunteton or Kantone, Reynold |
| Barry, Robert, Junr. | Chappel, Richard de la |
| Barry, Philip, <i>Nephew to</i> Robert Fitz-Stephen. | Clahul, John de |
| Barry, Walter | Clavill, John |
| Barry, Girald, <i>commonly called</i> Cambrensis, <i>another Nephew to</i> Fitz-Stephen. | Cogan, Miles de |
| Basilia, <i>Sister to</i> Earl Strongbow | Cogan, Richard de |
| Bendeger, William | Comin, John <i>Archbishop of</i> Dublin. |
| Bermingham, Robert de | Coustantin, Geoffry de |
| Bevin, de, <i>by some,</i> Beuin. | Courcey, John de |
| Bigaret, Robert | Cressy, Hugh de |
| Bluctt, Walter | Cursun, Vivian de |
| Bohun, Humphry de | Curtenay, Reginald de |
| Borard, Gilbert de | Dullard, Adam |
| Borard, Robert de | Feipo, Adam de |
| Braos, William de | Ferrand, William |
| Braos, or Bruse Philip de | Fitz-Aldelm, William |
| | Fitz-Bernard, Robert |
| | Fitz-David, Milo |

Fitz-

APPENDIX.

Fitz-Gerald, Maurice.
 Fitz-Godober, Richard
 Fitz-Godober, Robert
 Fitz-Henry, Meiler
 Fitz-Henry, Robert
 Fitz-Hugh, Reymond
 Fitz-Martin, Robert
 Fitz-Maurice, Alexander
 Fitz-Maurice, Girald
 Fitz-Philip, Henry
 Fitz-Philip, Maurice
 Fitz-Ralph, Randolph
 Fitz-Richard, Robert
 Fitz-Stephen, Amere *or*
 Meredith, *Son to*
 Fitz-Stephen, Robert
 Fitz-Stephen, Ralph
 Fitz-Walter, Theobald
 Fleming, Richard le
 Fleming, Thomas le
 Fuceport, Adam
 Geoffry.
 Gernemie, Adam de
 Glanvill, Reginald de
 Gros, Reymond le
 Griffith, *Nephew to* Robert
 Fitz-Stephen.
 — Guido.
 Gundevil, Hugh de
 Hay, Geoffery de
 Hastings, Philip de
 Henry II. *King of England.*
 Hereford, Adam de
 Hereford, John de
 Hereford, Osbert de
 Hereford, Richard de
 Hofe, Hugh de
 John, *Constable of* Cheshire
 Lacy, Hugh de
 Lacy, John de, *Constable of*
 Cheshire.

Lacy, Robert de
 Louodres, Richard de
 Mareyng, Richard de
 Monte Marisco, Hervey de
 Moreton, John *Earl of*
 Misset, William de
 Nangle, *or* de Angulo, Gil-
 bert
 Nangle, Joffelin Fitz-Gil-
 bert
 Nesta, *Daughter of* Maurice
 Fitz-Gerald.
 Nicholl, *a Monk.*
 Nicholas, *the King's Chap-*
 lain.
 Nott, William
 Nugent, Gilbert de
 Pavilly, Reginald de
 Peche, Richard de
 Petit, Richard
 Petit, William
 Poer, Robert le
 Poer, Roger le
 Poer, William le
 Prindergast, Maurice de
 Prindergast, Philip de
 Purcell.
 Quiney, Robert de
 Ralph, *Abbot of* Bildewas.
 Ralph, *Archdeacon of* Lan-
 daffe
 Reinand.
 Ridelsford, John de
 Ridelsford, Walter de
 Robert.
 Rupe, Adam de
 Salisbury, Robert de
 Smith, Robert
 Strigul, *(Richard Earl of)* *or*
 Strongbow.

Sancto

A P P E N D I X.

| | |
|--|---|
| <p>Sancto Laurentio, (Almarick de)</p> <p>Sancto Laurentio, Nicholas de, <i>Son to the former.</i></p> <p>Thomas.</p> <p>Tirril, Hugh</p> <p>Tuit, Richard</p> | <p>Valoinges, Humphry de</p> <p>Verdon, Bertram de</p> <p>Wallingford, Nicholas, <i>Abbot of Malmesbury.</i></p> <p>Welsh, Philip</p> <p>Worcester, (Philip de)</p> |
|--|---|

T H E

T H E
S T O R Y
O F

King *Richard* the Secund.

His last being in *IRLAND*.

Translated from the *French* by GEORGE Earl of *Totness*.

A GENTILMAN of *Fraunce*, my dear Friend,
perswadid me to go with hym into *England*;
whereunto I assented, and presently departyng from
Paris, wee made no stay, untill we came to *Ldon*, which
was upon a *Wedinsdaye* about Dinner time, where we found
many Knights and Gentilmen ready to depart from thense
to follow King *Richard*, who was then upon his Way to-
wards *Irland*, to correct the Disorders in that Realm,
committed by the *Irish*, who had mured divers of his
D good

A. D.
1399

A. D. good Subgets, and especially to chastise *Mc. Morogh*, who
1399. callid himself King of *Irland* (A).

Att the Port of *Milford* wee overtook the King attend-
ed with his Army; for the Transportations wherof there
was assemblid a great Fleet of Ships, wherefore a fair
Wind he had stayed ten Dayes.

UPON the 9th of *May* the Soldiers were embarked, all
the Vi&uals, Arms, Munition and Baggage being Shipped
formerly.

THE 11th of the same Moneth the King with a fair
gale of Wind in great Joy and Magnificence set sayl, and
two Days after wee arryved in grete Safety at the Haven
of *Waterford*, wher the People are base and sluttish, livy-
ing in poor Houses. To unland our Baggage they waded
up to the Waste in Ooze. By the Merchaunts and moost
of the City the Kyng was joyfully received.

AFTER six Dayes staye in *Waterford* the Kyng departid
from thense, and marched to *Kilkenny*, where he remain-
ed fourteen Dayes to attend the cominge of the Erle of
Rutland with his Troops, who in all his ways held unad-
vised and strange Courses.

UPON St. *John's* Baptists Eve the King departid from
Kilkenny, victualling his Army as well as he mought, and
marched towards *Mc. Morough*, who stiled himself Kyng
of *Irland* by right, and who professed to mayntain the
Warr, and to defend the Londe untoo his Death, saying,
that the Conquest therof was wrongfull.

HE remayned in his House, the Woods, guarded with
three Thoufande stoute Men, suche, as it seemed to me,
the *Englishmen* marvelled to behold.

AT the Entry of the Wood the King's Army was rang-
ed into Order, expecting to have bene fought withall.
But the *Irishmen* did not then appear: Wherupon the
King commandid the Houses in the Woods to be burned,
which was immediately done, and many Villages fired.

THE Kyng's Standard, wherein he had three Leopards,
was advaunced, undir the which he Knighted the Duke

(A) This must be a mistake of the *French* Author; for the *Mac Moroughs*
never pretended to more than the Kingdom of *Leinster*, though *Dermot Nias*
Morough had Ambition enough to seek to dethrone *O'Connor*, King of *Ire-*
land.

King RICHARD's last Voyage to IRELAND:

51

of Lancaster's Son (B) who was a fair and puny Batchelor, and to honour him the more, he made at the same time eight or ten othir Knights; but what their Names were I know not, nether was I very curious to undirstande. The King with his Army being lodged at the entring into the Woods as aforesaid, commaunded two Thouesand five Hundred of the Country People to cut down the Wood, that his Waye mought be made passable, and which was then overgrown with Trees, and guarded with the Enemy, and besides, so Boggy, that in divers Places, as the Soldiers marched, they sunk up to the Reins in Mire, wherby they cold not overtake the *Irisb* in their retreat. An open Pace being made, the *Irisb* in our Passage thro' it made such Crys and Clamours as it mought have bene heard a good League off; but still avoyding us for fear of our Archers; yet they assayled us oftin, both in the Van and Rear, casting their Darts with such might, as no Habergeon, or Coat of Mail, were of sufficient proof to resist their Force, their Darts piercing them through both sides. Our Foragers, that strayed from their Fellows, were often murdered by the *Irisb*; for they were so nimble and swift of Fote, that like unto Staggs they run over Mountains and Valleys, whereby we received grete Anoyance and Damage. Nevertheles the King's Army, that was courageous and harty, became so fearful unto them, as *Mc. Morough's* Uncle, accompanied with divers othirs, bare legged and unshod, with Halters about their Necks, humbly submitted themselves to the Kyng, falling prostrate at his Feet, craving Mercy; whom the King freely pardoned, conditionally that he and his Companions shulde receive an Othe from that time forward to continue his true and loyal Subjects. This being done, the King sent to *Mc. Morough* to submit with a Halter about his Neck, as his Uncle had done, and he would not only graunt him the lyke Mercy, but in these Places he wuld bestow upon him Castles, Towns, and ample Territories. Unto the Kings Messages *Mc. Morough* made no other Answer but this: "That for all the Goold in the

A. D.
1399.

(B) This was the Son of him who soon after dethroned K. Richard, and assumed the Title of K. Henry IV. and this puny young Batchelor, now Knighted, was afterwards the victorious K. Henry V.

D 2.

"World

A. D.
1399.

" World he wuld not submit himself, but he wuld continue to Warr and endamage the King in all that he mought," which bold Answer proceeded from the Knowledge he had, that the Kyng's Army wanted Viſtuals, and that for Money there it could not be ſupplied, the preſent Neceſſity whereof was ſuche, that for the ſpace of eleven Days the Soldiers had lived only upon what they could find in the Country, formerly waſted, which was very little. Their Horſes alſo were feint and almoſt ſtarved, as well for want of Food, as by ſtanding uncovered in the Rain and Wind. Of this Famine many of the King's Army periſhed. A Biſcuit in one Day between five Men was thought good Allowance, and ſome in five Days together had not a bit of Bread. Knights, Eſquires and Gentilmen likewiſe felt this Miſery; and for mine own Parte I wiſhed myſelf without one Penny in my Purſe at *Paris*. Our Camp was full of heavineſs, Paſtime and Mirth were baniſhed, and the Army murmured with Deſire to diſlodge. In this mean Time three Ships loaden with Viſtuals came from *Dublyn*. The hungry Soldiers, greedy of Food, waded into the Sea above the Reins to come to the Ships, wher in Diſorder, not abiding the orderly diſpoſing of the Viſtuals, they riſſed the ſame and ſpoiled them, and in the Confuſion many a Blow was given and receivd amongſt themſelves.

Herupon the nexte Daye the King diſlodgeid, and marched towards *Dublin*. The Enemy attended us with fierce and fearful outcries, and Skirmiſhed often with us. After the King's departur, *Mc. Morough*, contemplating his Power, and his own Weaknes, being diffident of the Succeſs of this Warr, ſent after the Kyng, beſeeching him to permit him to come in Safety unto him, being deſirous, as he ſaid, to ſubmit himſelf unto his Mercy, or, if he wuld not be ſo pleaſid, to ſend ſome of his Lordes unto hym to intreate of Peace and Accord. This News brought much Joy into the *English* Camp, every Man being weary of Toile, and deſirous of Reſt. The King, by advice of his Councill, ſent the Erle of *Glouceſter* unto *Mc. Morough*, to charge him with his Crymes, and with the Damages which he had done unto the King's Liege People, and to treat farther with him as he was inſtructed. The Erle, with a part of the rere Guard of the Army (which he commandid)

commandid) departid from the King, attended with a A. D. Guard of two Hundreth Lances, and a Thousande good 1399 Archers. Among othir Gentilmen I was one that went with him to see *Mc. Morough*, his Behaviour, Estate and Forces, and to what issue the Treaty would grow unto. Between two Woodes, not far from the Sea, *Mc. Morough*, (attendid by Multitudes of the *Irish*) descended from a Mountain, mounted upon a Horse without a Saddle, which cost him (as it was reported) four Hundrith Cows. For in that Country they barter by Exchange, Horses for Beasts, and one Commodity for anothir, and not for reddey Money. His Horse was fair, and in his descent from the Hill to us, he ran as swift as any Stag, Hare, or the swiftest Beast that I have seyn. In his right Hand he bear a great long Dart, which he cast from him with much dexterity. At a Wood's side his Men stayed behynd him, and he met the Erle at a little Ford. He was tall of Stature, well composed, strong and active. His Countenance fierce and cruel. Much Speech passid between the Erle and him, of the breach of his Faith to the King, of the murdering of the Erle of *March*, and othir the Kyngs Subjects. To be short, this Parly produced little effect. *Mc. Morough* departid to his Men, and the Erle of *Gloucester* to King *Richard*, unto whom he recounted all the Passages betwene them, the Sum whereof was, that oonly he would submit himself without further Conditions, and that othir Composition he wuld not make during Lyfe. The Kyng at this Report was much enraged, swearing by St. *Edward* that he wuld nevir depart out of *Irland*, untill he had *Mc. Morough* in his Hands living or dead. But the good Kyng did not dream of the Misfortune, which shortly after fell upon hym.

Immediately upon the Erle's return of the Answer aforesaid, the Kyng dislodged and marched the next way to the City of *Dublyn*; which is a good Town, the best in that Realme, seated upon the Sea, and rich in Merchandise, wher wee found such plenty of Viſuals to relieve our Army, Horse and Foot, consisting of thirty Thousande or therabouts, that the Prices of the same did not much increase.

The Kyng culd not forget *Mc. Morough* to prosecute hym. He divided his Army into three Parts, commaund-

A. D.
1399.

ing theme to hunt him in his Woods, and promised to give him that culd take him alive or dead an hundrith Marks in Gold. But, in my Opyinion it was impossible to be effected while the Leaves were upon the Trees; but after that time, when the Trees were bare, then to burn the Woods would be the best Means to doo Service upon him, and not otherwise. At this tyme the Earle of *Rutland*, Duke of *Aumarie*, and high Constable of *England*, with a hundrith Sails of Ships of Warr arrived at *Dublyn*, who was more beloved of the Kyng than any of his Blood, and by his Advice he was moost directed. Of his coming the Kyng was exceedinge glad, and Joy appeared in his Face when he saw him, accusing him of his long Absence; which the Duke humbly excused to the King's Contentment.

During the space of six Weeks we remained in *Dublyn*, where we lived in Joy and Delight; but in all that tyme, by Reason of foul Weather, and contrary Winds, wee never heard out of *England*; which undoubtedly, in my Opinion, was a Prefage that God was displeasid with the King.

At last, a small Barque (the Messinger of ill News) arrived in the Port of *Dublyn*; wherein Advertisement was brought to the Kyng, that *Henry*, Duke of *Lancaster*, was arrived in *England*; that he had a strong Army in the Field, that he had beheaded the Lord *Treasurer*, that at his arrival the Archbushopp of *Canterbury* preached to the People to perswade them to assist the Duke, telling them, how King *Richard* had wrongfully banished *Henry*, whom the Pope, our holy Father, hath now confirmed Kyng of the Realme; and with all shewed them a Bull, which he said himself had procured for a plenary Remission of all Sins whatsoever committed in their whole Lives, that wuld ayd and assist the Duke, and astir this Life to have Paradise for their Reward.

This Sermon of the Archbushopp did so work in the Hearts of the giddy People, as, Sir, said the Messinger to the King, without respect of right or wrong, they follow *Henry*, with purpose to take your Goods, Castles and Towns, conquer your Land, and to depose you. All Men, old, poor, young and rich submit themselves to him. They spoil and harrahs the faithful Subjects, and therefore
it

it is more than time, that you were returnid unto your Realm of *England*. At this sorrowful News the King was pensive, and that present Day, being *Saturday*, he assembled his Councill to advise what Course to take; the most part wherof advised, that it were good for him to expedite (without any further stay) his return into *England*. The Duke of *Aumarle* (who possessed the Kyng's Heart) withstood this Councill (wherof many Suspitions of his Faith to the Kyng arose) Sir, said he, make no suche haste; for your Departur wee must first provide you Shipping to transport your Army. Here we have not above a hundrith sail of all sorts, which will not suffice; you shall doe much bettir to send the Erle of *Salisbury* before you to make heade agens^t the Duke of *Lancaster*; for the *Welsh-men* are nor yet at his Obedience; they will assist the Erle. Your self shall do well to march to *Waterford*, unto which Port we will assemble Shipping sufficient to transport youre whole Army, and then there is no doubt but your Pressence will be able to break and dissolve the Duke. The Kyng, who believed in *Aumarle's* Faith and Judgment, concludid his Councill upon his Opinion; wherat the wisir Sort murmured; but all was in vain, they culd not be heard, which was no small Affliction to them.

The Kyng sent to the Erle of *Salisbury*, saying unto him, Fair Cousin, you must presently embarque yourself for *England*, land in *Wales*, gathir unto you such Forces, as you can raise to resist *Lancaster* in his foolish Enterprise. The Erle protested upon his Faith, that he wuld either effect his Commaunds, or die in the Performaunce of them. The King on his Parte assured *Salisbury*, that he woud loose no time in secunding him with all his Forces, swearing by great Othes, that if *Lancaster* did fall into his Hands, he woud cause hym to dye such a Death, as the Fame therof shoud sound as far as *Turky*.

The Erle of *Salisbury* having embarqued his small Train and Baggage, took his leave of the King, beseching him to hasten astir him as suddainly as he mought. The King to assure him, vowed, that within six Days after his Departur, whatever shuld happen, he woud put out to Sea.

With this brave Erle, my self and my Companion shipped ourselves, and we landid at *Conway*, which, upon my Credit, is a fair and strong Town.

A. D.
1399.

At our arrival there, wee heard News of the Duke's Actions; that he had conquerid the greatest part of *England*, taken moost of the Castles and good Towns in it, that he had displaced moost of the great Officers, instituted new Orders for the Government, and put to Death without Mercy suche as he bare Displeasur unto.

When the Earle heard these ill News, it was no Marvail although he were somewhat dismayed; for moost Part of the Nobility of *England* were with the Duke, and his Army was sixty Thousande strong.

Salisbury immediately in the Kyng's Name sent forth his Warrants throuout all *Wales*, and to the City of *Chester*, commaunding all upon Pain of Death with Horse and Arms to make ther present Repair unto him, in the aid of Kyng *Richard*, assuring theme, that in Person he wuld be at *Conway* very shortly.

I dare well say, that upon this Summons (for the *Welshmen* much affected *Richard*) that within four Days forty Thousande able Men came to the Earle, desirous to fight with the Kyng's Enemies.

The Earle understandinge thereof, with much Alacrity repaired unto them, protesting seriously, by our Saviour, that within three Days he wuld put into the Field to encounter *Lancaster*, who spoiled the Countreys where he went, and being in the Head of his Army now assembled, he spake to them a few Words to this effect.

"In the absens of our Soverain Lord and King, Companions and Friends, let us employ all our Courages and Endeours in his Defence. For my own Part I will nether forbear nether travail nor hazard of my Life to assure and advaunce the same: And I make no Doubt but you will be as forward as my self to encounter his Enemies. Let us assayl them with Courage, seeke them out where they are, confidently hoping in God, that he will aid and assist us. By his Law we are bound to defend our Kyng, and to dye in his just Quarrell."

The *Welshmen*, who believed that the Kyng by this time had been arrived, finding their Hopes deceived, began to murmur, apprehending Fear, perswading themselves, that the Kyng was dead of Grese, and also fearing, if it shuld be soo, the Severity and Rigour of the Duke of *Lancaster* and his Associats. These Immaginations were

so suddainly and firmly fixed in their Minds, as they plainly told the Earle, as it were with one Voice. " Since the 1369.
 " Kyng is not here, we will not march, nether will we
 " incur the Indignation of the Duke, who is powerfull,
 " bearing all befor him, not knowing for whom it is wee
 " shuld fight. For the Kyng is dead. If he be living, why
 " is he not now at *Conway*? Were he present, in right
 " or wrong, wee wuld take his Parte; but with you we
 " will not go a Foot."

When the Erle hearde their absolute Refusal, you may well judge he was dismayed, and with Tears falling from his Eyes (which bred Compassion in the Multitude)
 " What an unnatural and dishonourable Employment (said
 " he) am I embarked in? Why do I live? Death were to
 " me Advantage. For what other Judgment can the King
 " make of me, but that I am a Traitor unto hym." After
 these Speeches, which were not heard by many, turning to the People, with a loud Voice he sayd thus, " Friends,
 " Companions, and Soldiers, I beseeche you to believe
 " me, within four Days King *Richard* will come unto us.
 " For at my departur from him in *Ireland*, he sware by
 " his Life, that he would not stay a Week astir me. I
 " was sent befor him to assemble you together. His Confidence is in your Loyalty. Wherefor let me intreat
 " you to resolve to abide his coming."

This Perswasion moved the greater Parte to remain; but such as were oppressed with Feare fled to the Duke to make their accord with hym.

The moost with fair Wordes the Erle kept in a Body together, for the space of fourteen Days, attending King *Richard*'s arrival. In private Discourses, the disconsolate Erle would often complain unto his Friends his Misfortune, and lament the King's over long stay in *Ireland*, Prophetically forspeaking, that it wuld be the los of his Life and Kingdom, concluding withall, that undoubtedly he was betrayed, and to add Grefe to his Grefe, he contemplated the impossibility for him to hold his Troops from breaking; which, when fourteen Days were expired, proved manifestly true. For some took ther way to the Duke, and others to ther own Homes; so that of fourty Thoue-
 sande

A. D. 1399. *fande Welsh and Cheshiremen* which came to his Ayd, ther did not of all Sorts above seven Hundrith remain with hym.

The Duke of *Lancaster*, understanding what a great Body of Men the Erle of *Salisbury* had assemblid in *Wales*, marched towards him, being desirous to fight with such as were Partizans with King *Richard*. Being advaunced somewhat towards *Conway*, he understood that the Erle's Army was dissolvid; whereat he much rejoiced.

The Erle having Knowledge of the Duke's approach, and of his own disability to withstand his Forces, by Mediation of Friends capitulated and rendred himself to *Henry*.

In this mean while, Kyng *Richard* in *Irland*, was not unmindful to pass into *England*, and the 18th Day after the Erle of *Salisbury's* departur from him, he landed at *Milford*, having spent two Days in his passage at Sea.

Here Ends so much as the *French* Author mentioneth of *Irland*: The rest of his Story he continued to the deposing of King *Richard* the Secund, and the Crowning of King *Henry* the Fourth.

T H E
V O Y A G E
O F

Sir Richard Edgecomb.

Into *IRELAND*, in the Year 1488.

Collated with a M. S. of Dr. *Sterne*, late Bishop
of *Clogher*, in the College Library.

Here Articulatey ensueth as well the Begynnyng
of the Voyage of *Sir Richard Edgecombe*, Kt.
send by the King's Grace into *Irlaund*, and of
souce Communications, and Conclusions, as
the seyde *Sir Richard* haith made and taken
there; as also of his retorn agen into *Englaund*.

Imprimis, June 23d, 1488. Anno Tertio Henry VII.

THE seyde *Sir Richard* took Shipping at *Mounts-* A. D.
bay in *Cornwall*, in a Skipp callid the *Anne* of 1488.
Fowey; and ther were three othir Skips (A) of
Fowey aforaid, with five Hundryth Men in theym all at-
tending upon him, i. e. the Rebel of *Dene*, a Skip of *Ro-*
bert Strete, a Barque of *Sir John Treffy*, Kt. and a Barque
of *William Brewert*; and that Daye he sailed to the Land's
End, and there rod at Anchor that Night, because the
Wind was contrary.

(A) In another M. S. of this Journal it is said there were four other
Ships; but it means four in all.

24. *Item,*

A. D.
1488.

24. *Item*, The seyd Sir Richard, hearing that *Harletson*, and other Rovers, were befor the Isle of *Silly*, made sail, and erly in the Morning came to the said Isle; from which Isle the said *Harletson* departyd two Days befor; and ther lay at Anchor all that Daye, the Wind being still contrary as afor said.

25. *Item*, The seyd Sir Richard hearing, that a great *Fleming* Ship of Warr lay in the *Severne*, daily taking and spoiling the King's Subgets, made Sail, and with all the seyd Ships came into the *Severne*, to th' intent to have mett wyth the said *Fleming* and other Rovers with hym; whych *Fleming* and Rovers wer warnid by divers of the King's Subgets of the comyng of the said Sir Richard to the Sea, and absented them, and fled theme thence.

26, 27. *Item*, The Wind being alway contraryous, the seyd Sir Richard, for the hasty Spede of his Jorney, with all the said Ships made travers in the Sea toward the Coast of *Irlaund*, and with gret Labour and Pain the said 27th Day arrived in the Port of *Kinsale* in *Irlaund*, and ther made searh for *Con Eop* (B) a Rover upon the Sea, which had done, and daily doth, gret Harm and Nuifance to the King's Subgets and Friends upon the Coasts of *Irlaund*; which *Eop*, as the said Sir Richard was there enformed, was departid more Eastward; whom the seyd Sir Richard hoped to speak wyth in his way towards *Dublyn*. And he so being at *Kinsale* took Othes, Ligeance and Fealty of the Lorde *Thomas* of *Barry*.

28. *Item*, At th' especialle Desire and Request of the Lord *Courcey*, and of the Portreffe and Comminalty of *Kinsale*, the said Sir Richard went to Lond, and upon his comyng to Lond the seyd Lord *Courcey*, Portreffe, and Comminalty met him, and ther deliverid unto hym in the Kyng's Name the Keys of the Town, and he in the Kyng's Name deliverid the same agen unto theme, and incontinent they went altogethir to the chef Church of the Town, and ther in the Chauncell of the same took as well the Ooth of Ligeance of the seyd Lord *Courcey*, as his fealty for his Barony of *Kinsale*, and that done, the said Portreffe and all the Substance of the seyd Town were solemnly sworn untoo the Kyng; and for the good con-

(B) *Con Hop* in another Manuscript.

tinuance of their feyd Ooths as well of the feyd Lord *A. D.*
Courcey, as of the Portreffe and Comminalty of the feyd 1488.
 Town; they bound themselves in pain of a Thousande
 Pounds both undir the Seal of Arms of the feyd Lorde,
 and undir the common Seal of the feyd Town; and ther-
 upon the said Sir *Richard* gave untoo the feyd Portreffe
 and Comminalty, by Virtue of his Commissyon, the
 Kyng's Pardon for all Offences done untoo his Highness
 hertofo. The Names of the Portreffe and Comminalty
 of the feyd Town soe sworn, as asorfaid, be expressed her-
 after in this Boke; and the same Day and Night the feyd
 Sir *Richard* made sayl and travers in the Sea towards *Dub-*
lyn, and in likewise the 29th Day of the same Moneth
 traversed in the Sea, the Wind alway being right contra-
 rious.

30. *Item*, the feyd Sir *Richard* arrived in the Port of
Waterford about nine of the Clock in the Mornynge; and
 the same Day at Afternoon, two Boats came from the
 Citty of *Waterford*, and brought the feyd Sir *Richard* to
 the Citty, and ther the Mayor and Worshipful Men of
 the same honourably received hym, and the Mayor lod-
 gid the feyd Sir *Richard* in his own House, and made him
 right herty cheer.

July 1. *Item*, The Mayor had the feyd Sir *Richard* a-
 bout the Citty, and shewid unto hym the Walls and Re-
 parations of the same; and, that done, brought hym into
 the *Guild-Hall* of the feyd Citty, and the Councill of the
 same ther assemblid, the Mayor shewid unto the feyd Sir
Richard the state of the feyd Citty, and the Disposition of
 divers gret Men, and of the common People of the Londs;
 among whych he shewid, that they understood that the
 feyd Sir *Richard* had brought wyth hym the King's Par-
 don for the Erle of *Kildare*, whych haith always bene, and
 is, an utter Enemy to the feyd Citty, and especially for
 their approved Loyalty towards the Kyng's Grace, as they
 say; and that when he were Sworn, and become the
 Kyng's Subget, tho' he were not made Deputy of that
 Lond, yet for the atchieving of his purposed Malice a-
 genst the feyd Citty, they knew well, that he wuld make
 such means, that he shuld be made Justice of that Lond,
 and therby he shulde have souch Authority, that he wuld
 find the means by him and his Friends utterly to undoe the
 feyd

A. D. 1488. seyed Citty, and desired especially the seyed Sir *Richard*, that he wuld be means to the Kyngs Grace to be their good and gracious Lord therin, and that they mought be exempt from the Jurisdiction, as well of the said Erle, if it fortunéd him to have any Rule ther hereafter, as of all othir *Irisb* Lordes, that shuld bear any Rule in that Lond for evirmore, and to hold immediatly of the Kyng and his Heirs, and of such Lordes of *Englound*, as shall Fortune hereafter to have the Rule of *Irelaund*, and of none othirs. To the whych, the seyed Sir *Richard* answerid and said, That the Kyng's Grace had gyven to him in especiale Commaundment to doo and see especially for the seyed Citty of *Waterford*, and therefore, and for their approved Troughthes he wuld labour unto the Kyng's Grace in this behaulf, as mouch as was in him; and undertooke, that if it fortunéd the seyed Erle hereafter to bear any Rule in the seyed Lond, as he knew not that ever he shuld, he wuld soe Labour and shew the ways unto the Kyng's Grace, that the Citty shulde be exempt from the Power and Jurisdiction of the Erle. And that done, the seyed Sir *Richard* broke his Fast with the seyed Mayor, and went agen to Skip, and the same Day at Night went out of the same Haven, and traversed in the Sea all that Night, and so likewise he did the secounde Day of *July* towards *Dublyn*, the Wind being right contraryous.

3. *Item*, In likewise the seyed Sir *Richard* traversed in the Sea, and a gret contraryous Wind and Tempest fell upon hym, and that Day wyth gret pain and peril fetched one Island called, *Lambay*, upon the Coast of *Dublyn*, and ther came to Anchor, and sent a Man untoo the Lond to go to *Dublyn* to inquire for the Bushopp of *Clocornon* (C), or *Thomas Dartas*, or *Richard* the Kyng's Porter, to th' intent that they or one of them shuld shew the comyng of the seyed Sir *Richard*, and to have Knowledge from theme of the Disposition of the Country, and of his sure coming to Lond.

4. *Item*, *Thomas Dartas* came to the seyed Sir *Richard*, lying at Anchor befor the seyed Island, and shewid, that

(C) i. e. *Clogher*, of which the Bishop, *Edmund Courcey*, was firmly attached to the King's Interest both against the Attempts of *Simnell* and *Warbeck*, and therefore was confided in by Sir *Richard*, and much in favour with the King.

the

the Erle of *Kildare* was gone on Pilgrimage; and that it would be four or fife Days astir, e're then he mought come agen to *Dublyn*, and desired hym to come to *Dublyn* in the mean Season, and take his ease. A. D. 1488.

5. *Item*, The feyd Sir *Richard* landid at *Malabide*, and ther a Gentilwoman callid *Talbot* receaved, and made hym right good cheer; and the same Day at Afternoon, the Bushopp of *Meath*, (D) *John Streete*, and othirs came to *Malabide* aforsaid, well accompanied, and fetched the said Sir *Richard* to *Dublyn*, and at his comyng thither the Mayor and Substance of the Citty receaved him at the Black Fryers Gate; at whych Black Fryers the feyd Sir *Richard* was lodgid (E).

6. *Item*, The feyd Sir *Richard* lay still in the feyd Black Fryers, abydyng the coming of the Erle of *Kildare*, and othir Lordes of *Irlaund*.

7. 8. *Item*, Likewyse the feyd Sir *Richard* lay still in the said Fryers, preparing his Matters that he had to declare to the Lordes there; and the said eighth Day the Archbushopp of *Dublyn* (F) came to the feyd Sir *Richard* to his lodging.

9. *Item*, The feyd Sir *Richard* lay still in the Black Fryers, abyding the comyng of the feyd Erle of *Kildare*; and that Day the Buschopp of *Glocornen* and the *Treasorer* of *Irlaund* (G) came and spake with the feyd Sir *Richard* in his lodgings.

10. *Item*, The feyd Sir *Richard* in likewise lay still with-in the feyd Black Fryers abyding the comyng of the feyd Erle of *Kildare*.

11. *Item*, The feyd Sir *Richard* in likewise lay still in the feyd Fryers, abyding the comyng of the feyd Erle, to the gret costs and chargis of the same Sir *Richard*.

(D) *John Paine*, Bishop of *Meath*, was a Prelate, who went all lengths with *Kildare* in endeavouring to advance *Simnell* to the Throne; but he turned with the Tide, and unpreached what he had preached before in favour of the Mock Prince.

(E) This was the Dominican Abby, near the old Bridge, which now is the King's Inn's, where the Rolls Office is kept.

(F) This was *Walter Fitz-Simoni*, Archbishop of *Dublin*, who had joined with the Earl of *Kildare* in all the unwarrantable Measures in behalf of *Simnell*.

(G) *Roland Fitz-Englase*, Lord *Portlester*, then Treasurer.

12. *Item*,

A. D.
1488.

12. *Item*, The Erle of *Kildare* came to a Place of Canons without the Walls of *Dublyn* called *St. Thomas Court*, with the Number of two hundrid Horſes, and incontinent upon hys comyng he ſent the Buſhopp of *Meath*, the Baron of *Slane*, with dyvers othirs in ther Company to the ſeyd Sir *Richard Edgecomb*, and from his Lodging conveyed hym wher the ſeyd Erle lay, and in a gret Chamber the ſeyd Erle receaved and welcomed the ſeyd Sir *Richard*. Howbeit the ſame Sir *Richard* made not Reverence and courteſy to hym, nor to the Lordes ther aſſemblid, and ther openly deliverid to the ſeyd Erle the Kyng's Letters, the which by hym read and ſeen, both the ſeyd Erle, and the ſeyd Sir *Richard*, with all the Lordes went into a privy Chambir, and ther the ſeyd Sir *Richard* opened and declarid unto theme his Meſſage that he had unto theme from the Kyng's Grace, and the cauſe of his comyng. And becauſe that dyverſe Lordes of the Councill of the Lond were not ther preſent, nor come nigh to theſe Parts, they took reſpite for five Days to give answer therunto; and that Night the ſeyd Erle departid to a Place of his called *Maynoth*, ten Miles from *Dublyn*, and the ſeyd Sir *Richard* went to his Lodgings.

13. *Item*, *Sonday* the ſeyd Sir *Richard* went to the high Church of *Dublyn*, callid *Chriſt's Church*, and cauſid the Buſhopp of *Meath* ther to declare as well the Pope's Bull of accuſing, and the Abſolution for the ſame, as the Grace whych the Kyng had ſent by hym to Pardon every Man, that wuld do his Duty unto the King's Hyghneſs. And that Day the Archbuſhopp of *Dublyn*, the Buſhopp of *Meath*, and dyverſe other gret Men dined with the ſeyd Sir *Richard* in his Lodging.

14. *Item*, *Monday* Sir *Richard Edgecomb*, at the eſpeciale intreaty of the Erle of *Kildare* came to *Maynoth*, where the ſaid Erle lay, and there had right good Cheer. At whych Place the ſeyd Erle made promiſe, that he wuld conform him in all things to the Kyng's Pleaſur, in ſuch wiſe, that the Mynd of the ſaid Sir *Richard* ſhuld be contentid; and that was the eſpeciale cauſe, that the ſeyd Sir *Richard* went thither.

15. *Item*, *Tueſday* the ſeyd Sir *Richard* lay ſtill at *Maynoth*, and had gret Cheer of the Erle; and that Day came thither the cheſe Lords, and othirs of the Councill of that Lond.

London, and had gret Communications amongst themselves. A. D. 1488.
Howbeit that Day Nothing was done, that the seyde Sir *Richard* came for; but took respite unto the Morrow for the Accomplishment of the comyng thither of the seyde Sir *Richard*.

16. *Item, Wednesday*, The seyde Sir *Richard* always looking that the seyde Erle wuld have done as was agreed over Night, yet notwithstanding the same Erle and his counsell made and fayned unreasonable delays, so that Nothing that the seyde Sir *Richard* came for was done; wherewith the seyde Sir *Richard* was gretly displeasid, and told theme righte plainly and sharply of their unfitting demeaning. And that Day both the Erle, and the Lordes of the Councill, and the seyde Sir *Richard* came agen to *Dublyn*.

17. *Item*, The Erle of *Kildare* and othir Lordes of *Ireland* kept gret Councill at *St. Thomas Court* without the City of *Dublyn*; at whych Councill the said Erle and Lordes agreed well to become the Kyng's true Subgetts, as they seyde, and for their good abearing hereafter offered to be bound, and make as good Suretys as culd be devised by the Kyng's Laws: But in no wise they wuld agree or assent to the bond of *Misi* (H); and for this bond certen of the seyde Councill came three or four Tymes that Day to the seyde Sir *Richard Edgecomb* in his Lodging, and requyred hym to leave off calling for the seyde Bond, whych he wuld in no wise do, but gave short Answeres, with right fell and angry Words; and that Day no Conclusion was takin. Also the same Day the Lord of *Germanstown* dined with the seyde Sir *Richard* in his Lodging.

18. *Item*, The seyde Erle and Councill assemblid again at the seyde Place; and that Day at Afternoon gave unto the said Sir *Richard* plain Answer, that they wuld in no wise be bound in the seyde bond of *Misi*, and rather than they wuld do it, they wuld become *Irish* every of them. The seyde Sir *Richard* hearing, that the common Voice was in the City of *Dublyn*, and all the Country therabouts, that the Kyng of *Scots* was Dead, and therby callid

(H) This is called the bond of *Nisi* in some Copies, and perhaps means, that they bound themselves to a forfeiture of their Estates, *Nisi*, unless they continued faithful to the King. What other meaning it may have must be left uncertain.

A. D.
1488.

to his Mynd many gret perils that might fall to leave theme in such erroneous Opinions, as they have continued in a long Time hertofore, with gret difficulty at the last descended, that the Erle of *Kildare*, and all the Lordes of *Ireland* shuld be Sworn on the Sacrament for their assurance unto the Kyng's Grace, in such form as shuld be devised by the seyd Sir *Richard*; and that Night the seyd Sir *Richard* devised as sure an Ooth, as he culd, and that Day no other conclusion was taken.

19. *Item*, The seyd Sir *Richard* sent to the seyd Erle and Councill the Ooth by him devised; wherupon the seyd Erle and Councill made many grete Questions and Doubtes, and at Aftirnoon the seyd Sir *Richard* went in Person to the seyd Erle and Council, and had Communication with theme upon the same, and that Day souche grete delays wer made by the seyd Erle and his Councill, that they wer not fully at a Point of Conclusion upon the said Ooth, and such Bonds as shuld be made in that behaulf.

20. *Item*, *Sunday*, the seyd Erle and Council agreed to be Sworne upon the holy Sacrament to be the King's true liege Men from thence forth, after the Tenour of fouch Ooth as was agreed betwene the seyd Sir *Richard* and the seyd Erle and Lordes; whych Ooth the same Erle and Lordes graunted to certifie unto the King's Grace under ther Seals, and offerid then to have be Sworn that Day at Aftirnoon; wherunto the seyd Sir *Richard* wuld in no wise agree for many causes, but wuld have theme to be Sworn on the Forenoon; and that a Chaplain of his own shuld Consecrate the same Host, on whych the seyd Erle and Lordes shuld be Sworn; and so difered the taking of their Ooths unto the next Daye; and this Day at Night the Threasorer of *Ireland*, and the Lord of *Germanstoun* supped with Sir *Richard Edgecomb*.

21. *Item*, The seyd Sir *Richard* at the Desire of the seyd Erle went to the Monastrey of St. *Thomas* the Martyr, where the Lords and Councill were assemblid, and ther in a great Chambir callid the King's Chambir, the seyd Sir *Richard* took Homage, first of the seyd Erle, and aftir that of othir Lordes, whose Names be written herafter in the Eoke; and this done, the seyd Erle went into a Chambir, wher the seyd Sir *Richard*'s Chaplain was at Masse; and in the Masse Time the said Erle was Shriven
and

and assoiled from the Curse that he stood in by the Virtue A. D.
of the Pope's Bull, and befor the Agnus of the seyde Masse, 1488.
the Host devided into thre Partes, the Priest turned him
from the Altar, holding the seyde thre Parts of the Host
upon the Patten, and ther in the presense of many Per-
sons, the seyde Erle holding his right Hand ovir the holy
Host, made his solemne Ooth of Ligeance unto our Sovere-
rain Lord Kyng *Henry* the 7th, in such form as was afor-
Devised; and in likewise the Bishoppes and Lordes, as ap-
pearith hereafter, made like Ooth; and that done, and
the Masse endid, the seyde Erle, with the seyde Sir *Rich-
ard*, Bishops and Lordes, went into the Church of the
said Monastrey, and in the Choir therof the Archbushop
of *Dublyn* began, *Te Deum*, and the Choir with the Or-
gans sung it up solempnly; and at that tyme all the Bells
in the Church rung. This done, the Erle, and moost
part of the seyde Lordes went home wyth the seyde Sir *Rich-
ard* into his Lodging, and dined with hym, and had
right gret Cheer; and the seyde Sir *Richard* at the making
of the seyde Erle's Homage, put a Collar of the King's
Livery about the seyde Erle's Neek, whych he wore
throughout the seyde City of *Dublyn*, both outward and
homeward.

22. *Item*, The seyde Sir *Richard* went about nine of the
Bell in the Morning to the Guild Hall within the City of
Dublyn, wher the Mayor, Baylifs, and Commynalty of
the same were assemblid; and ther the seyde Sir *Richard*
made them to be Sworn unto the Kyngs Grace upon the
holy Evangelist, according to fouche form as they have
certified unto the Kyngs seyde Grace, undir ther common
Seal.

23. *Item*, The seyde Sir *Richard* about eight of the Bell
went to the Erle of *Kildare* to a Place of Canons callid
All-Hallows without *Dublyn*, and ther had long Commu-
nication with him and his Councill; and that Day at af-
tir Dinner, the seyde Sir *Richard* Rode to *Droghedah*
twenty-four Miles thense.

24. *Item*, The seyde Sir *Richard* took fealty of the
Mayor, and all the Town of *Droghedah* in the Guild
Hall of the same, and tooke of theme sureties for their
good abearing towards the Kyngs Grace and his Heirs;
and that done he deliverid to theme the Kings Lettres of

A. D. Pardon undir his gret Seal, and lay all that Day within
1488. the Town, and had right good Cheer.

25. *Item*, The seyd Sir *Richard* Rode to *Trim* to Dinner, and ther at aftir Noon tooke fealty of the Portrefe, Burgesfes, and comminalty of the seyd Town, and alsoo did take that same Day both Homage and fealty of divers, as appearith herastir in this Boke.

26. *Item*, The seyd Sir *Richard* came agen to *Dublyn* to his lodging in the *Black Fryers*.

27. *Item*, Sunday the seyd Sir *Richard* Dined with the Recorder of *Dublyn*, and had a gret Dinner, with gret Cheer, and there Dined also the Arch Bushopp of *Dublyn*.

28. *Item*, The seyd Sir *Richard* lay still at *Dublyn*, abiding the coming of the Erle of *Kildare*, and of the Lordes, to have their Lettres and report unto the King's Grace, and also to receave of the said Erle his Certificate unto the King's Grace upon his Ooth, and the Obligation of him and his sureties; for the said Sir *Richard* wuld in no wise deliver to the Erle his Pardon, untill the time he had deliverid the forsaide Certificate and Obligation.

29. *Item*, The seyd Erle of *Kildare*, and the Lordes Spiritual and Temporal came to a Priory without *Dublyn*, callid *All-Hallows*; to whom the seyd Sir *Richard* came, and had with theme long Communication; and the seyd Sir *Richard* understanding, that certen Persons, which were Noted to be the chief Causes of the gret Rebellion late committed in *Ireland*, because the Kings Grace had sent thither ther Pardons, sett little by their heinous offences, and therfor the seyd Sir *Richard* hitherto refused for that Cause to take either Homage or fealty of Justice *Peunket*, and of the Prior of *Kilmainham*, who were specially noted amongst all others chief causes of the seyd Rebellion; and gret instaunce was made by the seyd Erle and Lordes, that the seyd Sir *Richard* shuld accept theme unto the Kings Grace, whych in no wise he wuld graunt unto; and that Day both the Erle and the seyd Sir *Richard*, with many othir Lordes and Gentilmen Dined with *Walter Tyers*, and had a gret Dinner; and the seyd Day at Afternoon, both the seyd Erle, and the seyd Sir *Richard*, with Dyvers Lordes Spiritual, and Temporal, met together at *St. Mary's Abby* without *Dublyn*; and ther the seyd Sir *Richard* took fealty and Homage for the
Kyng

Kyng of diverse Gentilmen; and this Day the Arch-
bushopp of *Ardmacan* came to *Dublyn*, and came to the
seyd Sir *Richard* into his Lodging, and made both his
fealty and Homage. A. D. 1488.

30. *Item*, Both the Erle and the seyde Sir *Richard*, and
the Lordes Spiritual and Temporal met at a Church callid
our Lady of the Dames in *Dublyn*; and ther great in-
staunce was made agen to the seyde Sir *Richard* to accept
and take the said Justice *Plunket*, and the said Prior of
Kilmainham to the Kings Grace, and that they mought
have their Pardons in likewise as othir had, forasmooch
as the Kyng had grantid Pardon generally to every Man.
The said Sir *Richard* answerid unto theme with right
sharp words, and said, that he knew better what the
Kings Grace had commaunded him to do, and what his
instructions were, than any of theme did; and gave with
a Manfull Spirit unto the seyde Justice *Plunket*, and Prior,
fearful and Terrible words, insoemuch that both the seyde
Erle and Lordes wuld give no answeare therunto, but kept
their Peace; and aftir the great Ire passid, the Erle and
Lordes laboured with fouch fair means, and made such
proffers, that the seyde Sir *Richard* was agreed to take the
seyde Justice *Plunket* to the Kyngs Grace; and soe he did,
and took his Homage and fealty upon the Sacrament; but
in no wise he wuld axcept or take the seyde Prior of *Kil-
mainham* to the Kyng's Grace, and ere that he departid
unto his Lodging, he took with hym divers Judges and
othir Noblemen, and went into the Castle of *Dublyn*, and
there put in Possession *Richard Archiboll*, the King's Ser-
vaunt, into the Office of the Constable of the seyde Castle,
which the Kings Grace had given unto him by his Lettres
Patent; from the which Office the said Prior of *Kilmain-
ham* had wrongfully kept the said *Richard* by the space
of two Yeres and more, and ere then he departid out of
the seyde Church of *Dames*, the seyde Erle of *Kildare* de-
liverid to the seyde Sir *Richard* both his Certificate upon
his Ooth undir the Seal of his Arms, as the Obligation
of his sureties; and ther the seyde Sir *Richard* in the pre-
sence of all the Lordes deliverid unto him the Kings Par-
don under his Gret Seal in the presence of all the Lordes,
and ther tooke his leave of the seyde Erle and Lordes Spi-
ritual and Temporal; and that Day after Dinner the

A. D. 1488. feyd Sir Richard departid out of *Dublyn* to a Place called *Dalcay*, six Miles from *Dublyn*, where his Ships lay; and the Archbushopp of *Dublyn*, Justice *Bermingham*, and the Recorder of *Dub'yn*, with many othir Nobles, brought him thither; and that Night he took his skip, and ther lay at Road all Night; because the Wind was contrarye to him; and the skips lay in such a Road, that he culd not get them out without Perill.

31. *Item*, The skips were gotten out of the feyd Road, and because the Wind was contraryous he culd make no Sail, and that Night he lay beside a place called *Houtb*.

Aug. 1. Item, The Wind being still contraryous the feyd Sir Richard caufid the Master and Mariners to take Sayle, and traverfed in the Sea till it was about four of the Clock in the Aftirnoon, and the Wind began to rise, being still contraryous; so that he was fayne to retorn agen to a Road callid *Lambay*, about an Island ten Miles from *Dublyn*, and there lay all Night.

2. *Item*, Such an huge and gret Tempest rose that Day no Sayle might be made the Wind being still contraryous.

3. *Item*, The aforfaid Tempest dured still, and at aftirnoon that Day the Wind began to come large; but it Blew so much, and the Coastis were so Jeopardous of Sands and Rocks, that that Night the Mariners durst not Jeoparde to take the Sea, but lay still at Anchor about the feyd Isle, and ther he and his company vowed gret Pilgrimages that God wuld ceafe the Tempest, and send a fair and large wind.

5. *Item*, *Tuesday* the feyd Sir Richard made Sail, and failed a *Kennyng* (H) more into the Sea, and the Wind began to come so contraryous, and so many gret dangers were on every side, that he was fayne to go agen to the feyd Isle of *Lambay*; and that Day at Aftirnoon the Wind began to come large, and incontinent the feyd Sir Richard caused Sail to be made, and all that aftirnoon failed in his way, and at Night the Wind calmed, and came agen contraryous, therefore came to an Anchor in the open Sea, and there lay all Night.

(H) *Kennyng* signifies as far as a Man can see, from the *Saxon Kenn*, or *Ken* to perceive.

6. *Item*

6. *Item*, The Wind being contraryous, Sir *Richard* A. D. caused the Master and Marriners to Traverse in the Sea 1488. Homeward; and with gret Pain that Day came against a Rock called *Tulsker*, and ther lay at Anchor all that Night in the open Sea, and the Wind Blew right fore, and was right troublous Weather.

7. *Item*, The Wind came reasonably large; and that Day the seyd Sir *Richard* sayled till he came open uppon St. *Ives* in *Cornwall*; and because the Wind fell open, the Master and Marriners durst not adventure to pass by the gret and perrillous Jopardies at the Lands end; and therefore all that Night they traversed in the Sea, and that Night many sudden showers and Winds fell.

8. *Item*, The Wind and the Sea being troublous, Sir *Richard* and his Skips came into the haven of *Fowey*, and there he Landid, and went on Pilgrimage to a Chappell of St. *Saviour*; and that Night all his company Landid.

Here ensueth the Manner of an Ooth that some Persons in Irlaund have made; and alsoe the Names of all such Persons as have made their Ooths of Allegiance unto the Kyng our Sovereigne Lord Henry VII. before Sir Richard Edgecombe Knight, sent especially by the King's Highnesse into his Land of Irlaund.

I *Thomas*, Lord of *Barre*, beside the Town of *Kensale*, promet and bind me by these presents, that from henceforwards I shall be true and faithfull Liegeman and Subget, and true Faith shall bere untoo the most Mighty Christian Prince *Henry VII.* by the Grace of God, Kyng of *England*, and of *France*, and Lord of *Irlaund*, my natural liege Lord, and to the Heirs of his Body coming. And I shall nether assent nor favour privily ne apertly any Thing that may be contrary to the wele of my Sovereigne Lord, nor give Aid or Assistance to any Person or Persons being Enemies to my said Sovereign Lord, or standing out of his Grace and Favour; but I shall to the uttermost of my Power let and endeavour to Subdue theme. Also if it shall Fortune hereafter me to know any Thing that might be contrary to the Wele and Honour of my seyd Sovereigne Lord, or his seyd Heirs, I shall to the uttermost of my Power indeavour me to lett it, or shall

A. D.
1488.

without delay shew it to my seyde Sovereaigne Lord, or his Heirs, or souch of his or ther Councill as I know well will shew it to theme. And furthermore I shall utterlie take the party of my seyde Sovereaigne Lord and his seyde Heirs, and live and die in his and their Quarrells against all theme that will Attempt the contrary; so help me God, and his Saints, and these holy Evangelie's. In Witnes wherof to this my solemn Ooth I have subscribed my Name with my own Hand at the Town of *Kensale* in *Ireland* twenty seventh Day of *June* the third Yere of the Reign of my Sovereaigne Lord befor rehearsed.

THOMAS BARRE.

Item, The 28. of the seyde Month *June* *James* Lord *Courcy* in the Church of St. *Meltoke* in *Kensale* made as well his Ooth of Homage, as his Ligeance and Fealty for his Baronage of *Kensale*, and subscribed his Name.

JAMES LORD COURSY.

Jeffrye Gallwaye
Edmond Roche
Patrick Gallwaye
Davy Martell
Henry Power
Richard Roche
Edmund Martell
Thomas Martell
Thomas Boteler
Richard Ronan
John Roche
John Barry Moriche
John Yong
Moeth Dowle

Morys O-Kine
Thomas Coppner
William Roche
Robert Martell
Richard Coppner
Richard Dewenys
Thomas Galwan
John Bleyd
Davy Seyne
Edmund Martell
Richard Apower
Philip Gernon
Thomas Gayne

Memorandum, the aforsaid 28th of *June* all these persons above written made their Ooths of Ligeance.

Moris Power
Richard Power
Denis Redyggan

Maurice Tobbyn
Andrew Roche
Richard Roche

Laurence

Laurence Tobbyn

Patrick Kerne

A. D.

John Dale

John Croude

1488.

Jordan Caton

William Walshe

All these Persons be of *Kensale*.

Item, The same Day *German Sullivan*, Son in Law to *Edercole*, and all his Men, were Sworn at *Kensale*.

Memorandum, The twenty-first Day of *July* the third Yere of our soveraign Lord King *Henry VII. Gerald*, Erle of *Kildare*, made as well his homage as his Fealty and Ooth of Ligeance before Sir *Richard Edgecombe*, Knight, sufficiently authorized therunto by our said soveraign Lord, in a Chambir called the Kings Chambir, within the Monastery of *St. Thomas* the Martyr beside *Dublyn*. Jur.

Item, The same Day, and at the same Place, *Walter* the Archbushopp of *Dublyn* super Sacramentum made his Homage and fealty.—Jur.

Item, The same Day and place *John* Bishop of *Meath* super sacramentum, Jur.

Item, The same Day and place *Edmond* Bishop of *Kildare* super Sacramentum, Jur.

Item, *Roland Eustace*, Threasorer of *Ireland*, and Lord of *Portlester*, Homage.

Item, *Robert Preston*, Vicunt *Gormanstown*, Super Sacramentum, Jur.

Item, *John* Abbot of the Monastery of *St. Thomas* Martyr, Super Sacramentum, Jur.

Item, *Walter* Abbot of *St. Maries* beside *Dublin*, Super Sacramentum, Jur.

Item, *James*, Prior of *Holm-Patrick*, Homage.

Item, *James Fleming*, Baron of *Slane*, Super Sacramentum, Jur.

Item, *Nicholas*, Lord *Houth*, super Sacramentum, Jur.

Item, *Christopher Barnewell*, Lord of *Trimleston*, super Sacramentum, Jur.

Item, Sir *John Plunket*, Lord of *Dunsane*, super Sacramentum, Jur.

Item, *Philip Bermingham* Squire, chefe Justice, Homage.

Item, *Christopher Bellew*, of *Bellew's-Town*, Squire, Homage, and fealty, super Sacramentum, Jur.

Item,

A. D.
1488.*Item, Patrick Bermingham of Baldungan, Homage.**Item, John Archbushopp, late Archbushopp of Dublin, (1) Homage.*

July, 28.

John Nangle, Baron of Navan, made booth Homage and Fealty within the Black Fryers of Dublin.

July, 29.

*Olavianus, Archbushopp of Armagh, and Primate of all Irlaund, within the Black Fryers at Divelin made booth his Homage and Fealty.**Item, The same Day John Gernon of Killinerally Squyre made booth his Homage and Fealty.**Item, Philip Bermingham Chiefe Justice made his Fealty.**Item, Thomas Cusack, Recorder of Divelin, at the said Black Fryers made his Homage and Fealty.**Item, Peter Talbot Knight, Lord of Malahide, at the Monastery of our Lady St. Mary beside Divelin made booth his Homage and Fealty.**Item, The same Day and Place, Mr. Darcy of Platen, fecit fidelitatem & Homagium.**Item, The same Day, William St. Lawrence fecit fidelitatem.*

July 30th.

*Item, Thomas Dowdall, Mastir of the Rolls at Divelin, made his Fidelity and Ooth of Homage.**Item, Barnaby Barnwell made his Fealty and Ooth of Homage.**Item, The same Day Thomas Plunkett, Chief Justice of the Common Pleas, at the Black-Fryers, made booth Homage and Fealty, sworn on the Holy Sacrament.**Here followith the Ooth that in Conclusion the Erle of Kildare, and all the Lordes Spiritual and Temporal, with the Mayors, and other Gouvernours of Irlaund, made untoo the King's Grace.*

I Gerald, Erle of Kildare, promit and oblige me, that from henceforth I shall be true faithfull and obey-saunt Liegeman and Subget untoo the moost high and

(1) This Archbishop was John Wadon, who being blind resigned the See of Dublin in 1484, yet retained the Title.

moost mighty Christian Prynce, my natural and right wife A. D.
 Sovereaine Lord, Kyng *Henry VIIIth*, and by the Grace of 1488.
 God, Kyng of *Englaund* and of *Fraunce*, and Lord of *Irlaund*, and to his Heirs of his Body comyng, Kyngs of *Englaund*.

Item, I shall nevir ayd, assist, or favour any of my seyde Sovereain Lord's Rebels or Traytors, or any that I may know of his Subgetts doing contrary to their Allegiaunce, touching the King's Person or his Crown; nor shall I nevir assist ne Favour Privily ne apertly any thyng that may be contrary to the Weal, Honour, or Surety of my seyde Sovereain Lord, or hys Heirs, Kyngs of *Englaund*, in things concernyng the Conservation of his moost noble Person, and Estate Royall. But yf it shall Fortune me at any tyme to know any thyng that may be to the Hurt, Dishonour, or Displeasur of his Highnes, or any of his seyde Heirs, Kyngs of *Englaund* contrary to mine Allegiaunce, I shall to the best and uttermoost of my Power resist and let it. And ovir that, I shall, as soon as I can or may shew, or doe the same to be shewed untoo his seyde Highnes or his Heirs Kyngs of *Englaund*, or his or their Counsell.

Item, I shall serve my seyde Sovereain Lord, and all his seyde Heirs, Kyngs of *Englaund*, in all their Titles to the Crown of *Englaund* and *Fraunce*, and Lordship of *Irlaund*, and in all his and their Titles and Quarrells concerning the Crown, live and die with hym and theme agenst all Earthly Creatures, and his and their lawful Commaundments truly and faithfully obey observe and accomplish, to the utmoost of my Power.

Item, If any Messingers or other Persons of what Estate, Degree or Condition they be, be sent from the Dutcheffe of *Bourgon*, or from any oother with Letters or Messages to me, or to any othir that I may have Knowledge of to pervert me or theme from mine or their Allegiaunce, and Obeysaunce, or cause Commotion or Rebellion amooingst the King's Subgetts to be renovelled, or if any Person inhabiting within *Irlaund* being the Kyng's Subget or Stranger resorting to the seyde Lond, use seditious or unfitting Language concerning the Kyng's Person or Honor, I shall, assoon as it shall come to my Knowledge, put me in full *Dutty* to take, or do to be taken, that Person or Persons

A. D.
1488.

so, as is abovesaid, bringing Letters or Messages exciting new Commotion or Rebellion, or sowing seditious or unfitting Language, and as mouch as in me is, doe them to be punyshed attir ther Demerits, accordyng to the Law, or else send him or theme with their Letters or Words untoo the Kyng's Grace.

Item, I shall not let, ne cause to be letted, from this Day forwards the Execution and Declaration of the great Censures of Holy Church to be done agenst any Person of what Estate, Degree, or Condition he be, by any Archbushopp, Bushopp, Prior, Parson, Vicar, or any othir Curate or Priest, in any open Place or Church within the King's Londe of *Irlaund*, gyven by the Authority of our Holy Father Pope *Innocent* the VIIIth, that now is, agenst all theme of the King's Subgets, that lettten or trouble our seyde Sovereign Lord King *Henry* VIIth, in hys Title to the Crown of *Englaund*, and Lordshipp of *Irlaund*, or cause any Commotion or Rebellion agenst the same, or in any wise supported or comforted any Traytors or Rebels that intendid the Destruction of his moost noble Person, or Subversion of his seyde Realme of *Englaund*, and Lordshipp of *Irlaund*, but the same Execution and Declaration of the said Censures by my Power shall ayd and assist, and cause to be done, as mouch as in me is, as often as I shall be on the behaulf of our seyde Sovereign Lord required; or otherwise I shall or may have sufficient Matter or Cause lawful. The same Execution to be done without Fraud or Mal-engine: So help me this holy Sacrament of God's Body, in form of Bread here present, to my Salvation or Damnation.

Ista Clausula pro Spiritualibus personis.

Item, I shall from this Day fourth, as oft as I shall be lawfully required on the behaulf, of our seyde Sovereign Lord to execute the Censures of the Church, by the Authority of our Holy Fathir the Pope *Innocent* the VIIIth, that now is, and by his Bull given undir Lead, agenst all those of his Subgets, of what Dignity, Degree, State or Condition he be of, that letteth or troubleth our seyde Sovereign Lord, or his Title of the Crown of *Englaund*, and Lordship of *Irlaund*, or causith Commotion or Rebellion agenst the same, or aydeth, supporteth or comforteth any of hys Traytors or Rebels, that intendeth the Destruction

Instruction of his moost noble Person, or Subversion of his A. D.
 seyde Realm of *Englaund*, or Lordship of *Ireland*, the 1488.
 same Sentence with all Solempnity therunto belonging
 within any Church of my Jurisdiction openly solempnly
 execute and declare the same Censures upon and agenst all
 transgressors of the same Bull, or cause to be executed
 and declarid; so that the Cause why be untoo me notarie,
 or othirwise lawfully in the behaulf of our seyde Sovereigne,
 or his Heirs, Kings of *Englaund* shewid and provid, not
 letting or sparing soe for to doo for Love, nor Dread, Ha-
 tred, Envy, or Enmity of Lordship, ne for any othir
 Cause. So help me this Holy Sacrament of God's Body
 in form of Bread here present to my Salvation or Damna-
 tion. *Salvo ordine Episcopali.*

A B R E V I A T



B R E V I A T

Of the GETTING of

I R L A N D,

And of the DECAIE of the same.

Made by *Patrick Finglas* Squire, Chief Baron
of the Exchequer in K. *Henry* the VIIIth's
Time. *1544* *4* *Decem* *1544* *102* -

THE Londe of *Irland* of ould Tyme had five
Kyngs, which divided all the Londe into five
Porcions, that is to sey, *Leinster*, conteyning five
Counties, that is to sey, the Countyes of *Dublyn*, *Kyl-*
dare, *Katherlough*, *Weixford*, and *Kilkenny*. Item, Two
Porcions in *Mounster*, one by Sowth the Ryver of *Sbenyne*,
from *Waterfort* unto *Lymerrick*, conteyning five Countyes,
that

Baron Finglas's *Bruiat* of IRELAND:

that is to seye, the Countys of *Waterfort, Cork, Kerry, Tipperary* and *Lymerrick* (A).

Item, Th'other Porcion of *Mounster* is by the West the River of *Shenyne*, called *O-Bryen's Country*.

Item, Anothir Porcion, *Connaught*, conteyning divers Countys.

Item, Anothir Porcion, *Ulster*, conteyning divers Countys.

Item, The chiefe of the five Kyngs, called *Monarcha*, kept the County of *Meyth* with himself *ad mensam*.

Item, The moost Parte of *Leinster, South-Mounster, Connaught, Meyth*, and *Ulster*, was conquered by Kyng *Henry Fitz-Empresse*, and by souch Lords and Gentilmen that came unto *Ireland* by his Licence and Commaundment.

Item, The cheife of the gettingyng and conquering of *Leinster* under King *Henry Fitz-Empresse*, was *Richard*, Erle of *Strongbowe*, whoe marryed *Mc. Morough's* Daughter, with whome, as well by the seyd *Mc. Morough's* Gift, as by Conquest, he had all *Leinster*, and reduced it to good Order and Obedience of the Kyng's Lawes, and enjoyed

(A) A superficial Reader may, at first sight, think this a very scanty Account of the Counties of this Country. But *Ireland* has received great alterations in that particular since *Baron Finglas* wrote. Indeed, he omits to enumerate *Louth* among the Counties of *Leinster*, which was within the *English Pale*, and erected by King *John*. Yet this is not to be imputed to him as an Error in Understanding; since then, and even by some now, all the Country that lay North of the River *Boyne* was reckoned within the Province of *Ulster*. Why he leaves out *Meath* (comprehending both *East* and *West-Meath*) which was one of King *John's* old erection, is not so easy to be accounted for; unless, as he sets out with a discourse on old *Ireland*, he treats of *Meath*, as a Province by itself. *West-Meath* was not separated from *Meath*, and made a distinct County by itself till the 34th of *Henry VIIIth*. *Longford* was made a County in 1565, the King's and Queen's Counties in the Reign of *Philip* and *Mary*, and *Wicklow* in the Reign of King *James I*. All these changes happening since our Author's Death, he could not take Notice of them. The same may be said of the County of *Clare*, which he has omitted in his Distribution of *Munster*; because it was made a County long after his Death, namely in 1565, by Sir *Henry Sidney*; and though it was antiently a Part of *Munster*, and called *Tuadmoin, Thomond*, or *North-Munster*, yet, upon distributing *Connaught* into Shires, it was appropriated to that Province, though afterwards re-annexed to *Munster* in 1602. Our Author calls it *O-Bryen's* County, as it really was, and he would have chosen to have called it the County of *Clare*, had it been such in his time. He says, that *Connaught* and *Ulster* contain divers Counties, but he names none of them. It is certain there were several antient Counties in these two Provinces different from these now known; for which see the *Antiquities of Ireland*, Chap. V.

it eight Yeres durement the feyd *Mc. Morough's* Life, and six Yeres aftir durement hys owne Life (B).

Item, The feyd Erle died fourteen Yeres aftir the Conquest, and had Issue one Daughter, whome Kyng *Henry Fitz-Empresse* tooke unto *England*, and married hir unto *William Erle Marshall*; which Erle *Marshall* came unto *Irland*, and enjoyed all *Leinster* in Peace syxty Yeres (C) after the Conquest, and left all the same obedient to the Kyng's Lawes at his Death, except certen of the Blood and Name of *Mc. Moroughes*, which by Sufferaunce of the feyd Erle, for Allyaunce of ther Wives, were dwelling under tribute in the County of *Katherlough*, as it were a Barony, in a Place called *Idrone* (D).

Item, The feyd Erle *Marshall* had Issue by the Erle *Strongbowe's* Daughter five Sonnes and five Daughters, and died.

Item, The feyd Sonnes were Erles and Lordes of *Leinster*, every of theme aftir othir, and ruled all *Leinster* in Peace and Prosperitie, obedient to the Kyng's Lawes, durement all their Lives, which continued to Kyng *Edward* the First, his Days (E), and dyed all without Issue Males of their Bodys Lawfully begottin.

Item, All the aforseyd five Daughters durement the Life of ther Father and Brethren were all marryed in *England* to Lordes, whoe aftir the Death of their Brethren made Partition betwixt theme of all *Leinster* in Fourme followinge: the eldest had the County of *Katherlough*, the second the County of *Weixford*, the third the County of *Kilkenny*, and the fourth the County of *Kildare*; the fifth had the Manor of *Donnemaufe* in *Leix*, with othir certene Londes in the County of *Kildare*.

(B) This is a gross Mistake in the Baron. For *Mc. Morough* enjoyed *Leinster* during his own Life, and died in the *Winter* of 1171 (as we learn from his Secretary, *Maurice Regan*) the Year after the Earl's Marriage with his Daughter. Nor did the Earl survive *Mc. Murrough* more than five or six Years; and he was so far from living fourteen Years after the Conquest in 1172, that he died four Years after in 1176, or at most in 1177.

(C) He means *William Earl Marshall* the younger; who died in 1231; for his Father, the elder *Earl Marshall*, died in 1219. The *Mc. Murroughs* here mentioned must be descendants by the illegitimate Line from *Daniel Kevenagh*. See before p. 30. Note G.

(D) *Yepin* in the College Copy, but erroneously.

(E) *Anselm*, the youngest of the Sons of *William Earl Marshall* the elder, died without Issue (all his Brothers being before dead without Issue) in 1245 Anno 30th Hen. III.

F

Item.

Xas & thos. & generally as the *Conqueror's* family at this date. See *Progeny* & 141 *See* *Acceptance* *Calendar*.

Baron Finglas's Breviat of IRELAND.

Item, The aforseyd Lordes, Husbonds to the seyd Lards, haveing grete Possessions in *England* of their owne, regarded litle the defence of ther Londs in *Irland*; but took the Profitts of the same for a while, as they culd, and some of theme never saw *Irland*; and when ther Revenues of the same begann to decay, then he that had *Dennamause* in *Leix* retained an *Irishman*, one of the *Moore*s to be his Captaine of Warr in *Leix*, in defence agens *Irishmen* upon that Borders.

Item, The othir twoo Lordes that had *Katherlough* and *Weixford*, reteyned oone of the *Kevnagh*s, that remaird in *Idrone*, to be Captaine of Warr for ther defence, and took no Regaurd to dwell themeselves; so that within twenty Yeres astir or therabouts, in the beginning of Kyng *Edward* the IId hys reign, the seyd *Moore*, that was Captaine of *Leix*, kept that Portion as his own, and called himself *O-Moore*, and the seyd Captaine of the *Kavenagh*s kept a grete Porcion of the County of *Katherlough* and *Weixford*, wherein he was Captaine, as his own, and callid hymself *Mc. Morough*. And soe within a little space astir he the seyd *Mc. Morough* grewe in strength, raised up the *Byrnes* and *Tobills* in his aide; soe that hitherto they have keped all the Countrey betwixt *Katherlough* and the East Seas, as their owne; which is thirty Miles and more; and soo began the decaille of *Leinster*.

Item, The Successours of the seyd *Mc. Morough*, being in grete strength in the latter end of Kyng *Edward* the III. his Dayes, the Kyng gave him Wages eighty Marks Yerely out of the Exchequer.

Item, Yt is to be considered, and true yt is, that in everie of the seyd five Porcions, that was conquerid by Kyng *Henry Fitz-Empresse*, and souche Lordes and Gentilmen as came wyth hym into *Ireland*, and by his Licence and Commaundment; left undir Tribut certen *Irishmen* of the principall Elcod of *Irish* Nacion, that wer befor the Conquest Inhabitaunts within everie of the seyd Porcions; as in *Leinster*, the *Kavennagh*s, of the Blood of *Mc. Morough*, some time Kyng of the same; in South *Mounster*, the *Mc. Cartye*s, of the Blood of the *Cartye*s, some tyme Kyngs of *Corke*; in th' other Porcion of *Mounster*, by West the River of *Shenynne*, where *O-Brien* is, which (as I read) was never conquerid in obedience to the Kyng's Laws, *O-Brien*,

Brien, and his Blood, have continued there still; which *O'Brien* gave Tribut to Kyng *Henry Fitz-Empress*, and to his Heirs, by the space of one Hundreth Yeres; and the Lorde *Gilbert de Clare*, Erle of *Gloucester* had one of the best Mannots in the seyd *O'Brien's* Countie, and dwellid in the same; and *Connaght* was left undir Tribut certen of the Blood of *O'Connor*, some tyme Kyng of the same, certen of the *Kells*, and others.

Item, In *Uster* were left undir Tribut certen of the *Neals*, of the Blood of the *O-Neals*; some tyme Kyng of the same, and others.

Item, In *Myeth*, were left certen of the Blood of *O-Melaghlin*, some tyme Kyng of the same, and divers others of *Irish* Nations.

Item, All the seyd *Irishmen* have ever sithence the Conquest had an Inclinatione to *Irish* rule, and order; waiting ever when *Englishmen* would rebell, and digress from Obedience of Lawes; whych, more harm is, have fallen to ther purpose, as is hereafter more plainly declarid.

Item, All the Sowth Portione of *Mounster*, betwixt *Waterfort* and *Lymrick*, which conteyneth five Counties, that is to sey, the Counties of *Waterfort*, *Cork*, *Kerry*, *Tipperary*, and *Lymrick*, were conquerid by Kyng *Henry Fitz-Empress*, and fouche noble Knights as inhabited the same, by his Grace's Licence and Commaundement, as the *Geraldines*, *Butlers*, *Barrys*, *Roche*, *Cogan*, with many othir Noblemen; whiche Countrie was *English* and obedient to the Kyng's Lawes, by the space of one Hundreth and sixty Yeres, as it appearith by the Kyng's Ketords.

Item, In Kyng *Edward III.* his Dayes, *Lionell* Duke of *Clarence*, beinge the Kyng's Lieutenant of *Ireland*, perceiving not oonly the Lordes and Gentilmen of *Mounster*, but alsoo in other Countries begynning to incline to *Irish* Rule and Order, at a Parliament holdyn at *Kilkenny* made certen Statuts for the Common-wealth, for the Preservation of *English* Order; whych, if they had bene kept, this Lond had bene obedient to the Kyng's Lawes hitherto.

Item, These wer callid the Statuts of *Kilkenny*; wherof the first was, that noo Man shuld take Coyne ne *Livry* upon the Kyng's Subgets, which wuld destroy Hell, if that were usid in the same.

Baron Finglas's Breviate of IRELAND.

Item, Another was, that noo *English* Subjets shuld make any Alliaunce by *Alterage* or *Fostering*, wyth any of *Irish* Nacion.

Item, Another was, that noo Man of the Kyng's *English* Subjets possessed of Lands or Tenements shuld marry any Woman of *Irish* Nacion, nor noo Woman to marry a Man of *Irish* Nacion, upon Paine of forfeiture of all ther Landes and Tenements, with divers othir beneficiall Statuts for continuance of *English* Nacion.

Item, As longe as the asorfaid Statuts were kept the Londe was in good Prosperitie, and obeyed the Kyng's Lawes; but soon astir the departur of the seyd Duke into *England*, the grete Lordes, as well of *Mounster* as of *Leinster*, then beinge in grete Wealth, and groweing intoo grete Name and Authoritie, as *John Fitz-Thomas*, then created Erle of *Kildare*, *James Butler*, then created Erle of *Ormonde*, and *Maurice Fitz-Thomas*, then created Erle of *Desmonde*, haveing Division amoonge themselves, begann to make *alterage* with *Irishmen* for ther strength to resist othir; and disdained to take Punishment of Knights, beinge the Kyng's Justices, or Deputys for the tyme; by reason of whyche Divisiōe the Erles of *Ormonde* and of *Desmond* by strengthes of *Irishmen* on booth sides fought together in Battayle in Kyng *Henry* the VIth's Days; in whyche Battayle all the good Men of the Towne of *Kilkenny*, with many othirs, wer slaine.

Item, Nevir sithence did the *Gerraldines* of *Mounster*, the *Butlers*, ne *Geraldines* of *Leinster* obediently obey the Kyng's Lawes in *Ireland*; but continually allied themselves with *Irishmen*, useing continually *Coyne* and *Livery*, wherby all the Londe is now of *Irish* Rule, except the little *English* Pale, within the Counties of *Dublyn* and *Myeth*, and *Uriell*, which passe not thirty or fourty Miles in compas.

Item, In the forsaid Mannere for the lacke of Punishment of the grete Lordes of *Mounster* by Ministracione of Justice, they by ther extortione of *Coyne* and *Livery*, and othir Abusions, have expelled all the *English* Freeholders and Inhabitaunts out of *Mounster*; so that in fiftie Yeres passid was none there obedient to the Kyng's Lawes, except the Citties, and walled Townes; and soo this haith bene the Decaie of *Mounster*.

Item,

Item, The Countrie of *Myeth* was gyven by Kyng *Henry Fitz-Empresse* to Sir *Hugh de Lacy*, to hould of the Kyng by Knights Fees, whyche Sir *Hugh de Lacy* conquered the same, and gave mouch of it to the Lordes and Gentilmen to hould of hym: And as the seyd Sir *Hugh* was buildinge the Castle of *Dervath* (F), he was traiterously slaine by a Mason of his owne; and it is written in the Cronicles of *Irlaund*, *Quod ibi cessavit Conquestus*.

Item, The seyd Sir *Hugh* had Issue twoo Sons, Sir *Walter* and Sir *Hugh*; whych Sir *Hugh* was afterwarde Erle of *Ulster*, as shall be declarid hereafter.

Item, the seyd Sir *Walter* (G), had Issue twoe Daughters, and dyed; the elder was marryed to Sir *Theobald de Verdon*, th' other to *Geffry Geneville*, whyche made Partition of all *Myeth* betwixt themselves; so as the Mannor of *Trym* was allotted to Sir *Geffry of Geneville*'s Porcion, to whome our Sovereaigne, the Kynges Highness, is rightfull Heir.

Item, The Manor of *Loghsedy*, in the County of *West-myeth*, was allotted to Sir *Theobald Verdon*'s Porcion, who had noe Heirs, but Daughters, whych were marryed in *England* to the Lord *Furnival*, and others; who dwelled still in *England*, and tooke souch profits as they culd gett for a while, and send smale Defence for ther Londs in *Irlaund*; so as wythin few Yeres after, all their Porcions wer lost, except certen Mannors wythin the *English Pale*, whyche *Thomas*, Baron of *Slane*, and Sir *Robert Hollywood*, and Sir *John Cruse*, and Sir *John Bedlows* purchased in Kyng *Richard* the Second's time. And this haith bene the Decaie of half of *Myeth*, which did not obey the Kyng's Lawes this hundreth Yeats and more.

Item, As concernyng the Porcion of *Connaught*, *Gilbert de Clare*, Erle of *Gloucester*, whyche marryed the secunde Daughter of *William* Erle *Marshall*, Sir *William de Burke*, and Sir *William Bermingham Amery* undir Kyng *Henry Fitz-Empresse* wer the principall Conquerors of *Connaught*; who wyth ther Complices did inhabitt the same, and made it *English*, and obey the Kyng's Lawes, from *O-Brien* Country to *Sligoe*, in length above sixty Miles and more;

(F) i. e. *Durrogh*, antiently a Monastery in the County of *Westmeath*, now in the *King's County*. See *Usher's Primord.* p. 690, 691.

(G) *Hugh* in another Manuscript.

x H. ... F 3 ... which
acc Co ...
The ...
Rath...

whych continued soe in Prosperity fourty Yeres to King Edward III^d his Dayes; the decate wherof shall appere in the next Treatise of *Usser*.

Item, Sir *John Coursey* under Kyng *Henry Fitz-Empresse* was the cheife Conqueror of *Usser*; who about the gettinge of the same had seven Battayles with *Irishmen*; wherof he wonne five, and lost two; nevertheless he gate it, and reduced it to *English Rule* and Order; and continued soo about twenty Yeres, upto souche Tyme as Kyng *John*, having hym in Displeasur for certen evil reports (H) he shuld have made by the seyde Kyng *John*, wrote into *Ireland* to Sir *Walter de Lacy*, and to his Brother Sir *Hugh*, to have the seyde Sir *John* takin, and sent into *England* to Execution; wherfore the seyde Sir *Hugh de Lacy* went with an Host intoo *Usser* and had Battayle wyth the seyde Sir *John* at *Dawne*; in whych Battayle was many Slaine on booth Sides, and the seyde Sir *John* prevailed at that Tyme.

Item, The seyde Sir *Hugh* had made practise with certen of the seyde Sir *John Coursey*'s Men, soe as they promysed to betray their Mastir for Money; wherupon the good *Frydaye* next ensuing, the seyde Sir *Hugh* took the seyde Sir *John*, going in Pennance aboute the Church Yard of *Down*; and that doone, the seyde Sir *Hugh* paid the seyde Sir *John* his Men such somes of Money as he promissed theme, and incontinently did Hang theme all for ther falshood for betraying of ther Mastir, &c. (I).

Item, For the forseyd A&, Kyng *John* gave unto the forseyde Sir *Hugh* the Erledome of *Usser*, whoe enjoyed the same duryng hys Life; and had Issue one Daughter, and dyed.

Item, The seyde Sir *Hugh de Lacy*'s Daughter was married to Sir *Walter de Bourke*, Lorde of *Connaght*; which *Walter* was Erle of *Usser*, and Lorde of *Connaght*, and had

(H) The reasons of the King's Displeasure against Earl Courcy were the bold, though generous speeches, which he cast out against King John, in relation to the Murder of his Nephew Arthur, the right Heir to the Crown, which Earl Courcy suggested, was effected by the King's Command.

(I) Haumer (p. 183) tells this Story differently, and Alledges, that Lacy gave the Traitors a Passport to go into England, to seek for a Reward for their Service; but detesting their Treason, he provided them a Bark without Pilots or Seamen, that they were driven into the River of Cork, where they were apprehended, and sent to Lacy, who forthwith hanged them.

theme

theme booth, then being Obedient to the King his Lawes dureing his Life; and had a Son Sir *William de Bourke*, who enjoyed the seyde Erledome of *Uster* and Lordship of *Connaght* in Prosperitie duryng his Life, and had Issue Sir *Richard de Bourke*, who was Erle of *Uster* and Lorde of *Connaght*, and mought dispend yerely by the same ten thousande pounnds Sterling, and above; which *Richard* had Issue *William*, which *William*, had Issue but one Daughter, and was traiterously Slaine by his owne Men.

Item, The seyde *William* Erle of *Uster*'s Daughter and heire was married to *Llewellyn* Duke of *Clarence*, second sonne to Kyng *Edward* the third; who came into *Ireland*, as it is asofseyd, and was the Kyng's Lieutenant of the same, and had all *Uster* and *Connaght* in rest and peace, Obedient to the Kyng his Lawes, as long as he tarried in *Ireland*, which was not very long.

Item, Attir the Departur of the Duke of *Clarence* into *England*, he leaving behind him small Defence for his Londes in *Uster*, and less Defence for his Londes in *Connaght*, then in Kyng *Richard* the secund his Dayes certain Knights of the *Bourkes*, Bretheren and Kinsmen of the asofseyd *William*, late Erle of *Uster*, who dureing their Lordes Life had the Rule of *Connaght*, in their Lorde's absence, consideryng themselves far from Punishment of the King's Lawes, and ther natural Lorde out of the Londe, usurped that Countrey to themselves, making dayly Alliance and Friendshipp with *Irishmen*, and felt to *Irish* Order, soe that from the Death of the seyde Duke of *Clarence*, his heir nevyr attir had any Revenues out of *Connaght* before Kyng *Edward* the fourth his Dayes, who was very Heir to the forseyd Erle of *Uster*, booth it and *Connaght* was all lost; soe as at this Daye our Souveraigne Lorde the King haith in effect no more Profit out of all *Uster*, but the Mannor of *Carlingford*. And in this forseyd Manner for faults of good Defence was the decate of all *Connaght*, as of *Uster*.

Item, Considering that in the premisses the Mammir of getting and decate of this Londe is somewhat shewid, wee must beseech Allmightie God, that some Causes may be shewid to our Souveraigne Lorde the Kyng for *Reformation* of the same.

Item, Some Men have the Opyinion, that this Londe is harder to be reformid nowe, than it was to be conquerid at the furste Conquest; consideringe that *Irishmen* have more Hardines and Pollicie in Warr, and more Armes and Artillery than they had at the Conquest.

Item, This Opyinion may be shortly answerid; for surely *Irishmen* have not fouché Wifdome ne Pollicie in Warr, but *Englishmen*, when they sett themselves therunto, exceed theme far; and touchinge Harneyes and Artillery exceed theme too far; and as for hardines, I have seene the Experience, that in all my Days I never herd that a hundreth fotemen ne Horsen of *Irishmen* wuld abide to Fight with soe many *Englishmen*; which I report me to the Duke of *Norfolk*, and othir grete Captains, that have bene here, and knoweth the Experience of the same this Tyme.

Item, Besides all this, *Englishmen* have grete advantage to get this Londe now, whyche they had not at the Conquest; for at that Tyme, ther was not in all *Irlaund* out of City's five Castles, ne Piles, and nowe ther be five hundreth Castles and Piles.

Item, The four Saints, that is to sey, St. *Patrick*, St. *Colombe*, St. *Braghane*, and St. *Moling*, which many hundreth Yeres agone made Prophecy, that *Englishmen* shuld have conquerid *Irlaund*; and said, that the seyed *Englishmen* shuld keep the Londe in Prosperitie, as long as they shuld keep ther own Lawes, and as soon as they shuld leave, and fall to *Irish* Order, then they shuld decay; the experience wherof is provid true; therefore, whensoever our Souveraigne Lord shall extend the Reformacione of *Irlaund*, he must Reduce the Lordes and Gentilmen of this Londe, whych be of *English* Nacion, to due Obedience of his Grace's Lawe's, which is very harde to doe, unless the Kyng with an Army repressé *Irishmen* upon the Borders, to contribute in a good conforming.

Item, Furste, our Souveraigne Lorde the Kyng shuld extend his gracious Power, for the Reformacione of *Leinster* which is the Key and highwaye for Reformacione of the Remanent; and it is situated in an Angle betwixt *Waterfort* and *Dublyn*, wherin no more *Irishmen* dwell, but the *Kavenaghs*, of whom *Mac Morrogh* is Capitaine, whych cannot make Horsen pass two hundreth, and the *Byrnes*, and *Tobills*, which cannot make one hundreth Horsen,
besides

besides the *Irish* Inhabitaunts of ther Country, which be but naked Men, as *Kerne*, which wer not in this hundreth Yeres more feeble to be conquerid, than they are nowe.

Item, To Healpe herunto, the King haith on the one side of theyme the County of *Weixford*, wherein Dwell many good *Englishmen* Gentilmen, which wuld be very glad to aid therunto.

Item, Upon the othir side the Countys of *Kildare* and *Dublyn*.

Item, At the West end of ther Country is the County of *Kilkenny*, and at the East end the Seas.

Item, They can have no Succor of *Irish* Nacion, except it be through the Counties of *Kildare* and *Kilkenny*, which is lightly Stopped.

Item, To Alleviate the Kyng his Chardges to this reformatione of *Leinster*, ther be divers abbeyes adjoyning to these *Irishmen*, which doe gyve more Aid and supportacione to these *Irishmen*, than to the Kyng or his Subgets, parte agenst ther Wills, as the Abby of *Donbrothie*, in the County of *Weixford*, the Abby of *Tynterne* in the same, the Abby of *Downe* in the County of *Cathirlough*, (K) the Abby of *Grane* in the County of *Kildare*, the Abby of *Balinglass* in the same, which maye be suppressed, and gyven by our Souveraigne Lorde the Kyng to young Lordes, Knights, and Gentilmen out of *England*, which shall dwell upon the same, besides othir divers Mannors, Piles, and Castles upon the Borders, as herafter following. Furste, the King's Grace to give to one good *English* Captaine the afforsaid Abby of *Downbrothie*, with certen Londes Adjoyning to the same.

Item, To anothisr the Abby of *Tynterne*, with a Barony adjoyning to the same.

Item, To anothisr *Old Ross*, wyth the *Fassagh* (L) of Bantry, whych is a Living for a Lorde.

Item, To anothisr the Castle of *Leaghlin* with the Londes adjoyning.

(K) In the County of *Kilkenny* not *Catherlogh*.

(L) i. e. The Wild and Desolate Grounds of the Barony of Bantry, for so the Word *Fassagh* in *Irish* imports.

Item,

Baron Finglas's Breviate of IRELAND.

Item, To anothir the Castle of *Catherlough*, with a Barony adjoyninge.

Item, To anothir the Mannors of *Rathville* and *Clonemore*, with a Barony to the same.

Item, To anothir the Lordship of *Wixford*.

Item, To anothir the Castle of *Fernes*, with a Barony adjoyninge to the same.

Item, To anothir the Abby of *Dowse* by the River of *Barrowe*, with a Barony adjoyninge to the same.

Item, To anothir the Abby of *Baltinglass*, which is a Living for a Lorde.

Item, To anothir the Abby of *Grane*, with a Barony.

Item, To anothir the Castle of *Keaving*, with a Barony adjoyninge to the same.

Item, To anothir the Mannor of *Rathdowne* and *Powerscourt*, with a Barony.

Item, To anothir the Castle of *Wicklows*, with a Barony.

Item, To anothir the Castle of *Arcklows*, with a Barony.

(I) Thinke best to give their Advice and Councell of the Warr and Peace of that Yere, the Number of two out of every Shire and alsoe for Provision of all othir good Ordinance, and this Election to be committed Yerely, and that all Men have fourteen Dayes warning by Writt to go to any such Hostings, except it be for a grete neede.

Item, In all Matiers, which shuld drive the four shires, or any of theme, to any Chardge, that then, furste, the same matter to be concluded by the Kings Counsaile, and to send Persons of every Shire so Chosen, or by the moost parte of theme, and duringe the tyme of the seyde conclusion in the Premisses, that the Deputy be not present with theme in concluding the same.

Item, Whereas the grete custome called the *Poundage* was graunted to find a Guard of Bowes to attend upon the King's Deputy; wherfor from hence forward that the said Custome be bestowid upon tall Yoemen to attend Yerely upon the Deputy, according to the seyde Graunt, and as it is before Specified.

(1) This Paragraph is imperfect; but in all the Manuscripts I have seen it is as here.

Item,

Item, That noo Man of the foure Shires doe make Warr, eyther make a Prey uppon any *Irishman*, but by advice and assent of the Deputy and Kyng's Counsaile.

Item, That noo *Englishman* of the Londē weare overslipp *Irish* Coate and hood on payne of an hundreth Shillings toties quoties.

Item, If the Deputy send for any *Irishman* to come speak with him, or if any of theime come without sending for, that then none of them have any Coyne or Livery, but that they be still on ther proper Costs, or the Deputies Costs, till they retorne.

Item, That Lordes and Gentilmen and Widows of the foure Shires shall send an able Man well appointed for Warr for everie twenty Pounds that he may dispend yere-ly, to goe wythe the Deputy to an hosting, with Jacks and Sallets, Bowes and Arrowes; and whoe cannot dispend twenty Pounds, together to be cessed astir that rate.

Item, That every Gentilman dwelling in any Marches shall send an Horseman well appointed to goe with the Deputie to any Hostings for every ten Marcks that he may dispend a Yere.

Item, If any that goeth to the Field be not an hable Man appointed as he ought to be, and this to be examined by the Deputie, or the grete Captain, that then his Mastir to forsaek all Amercement competent, as if the seyd Man had not appearid at the said Hoasting.

Item, That the Cittie of *Dublyn* and the Towne of *Drogheda*, and the Towne of *Dundaik*, doo goe wyth the Kyng's Deputy, when they are required, to Hostings; in Consideracione that their Customes and Poundages is forgiven them yere-ly.

Item, That no *Englishmen* dwellinge within *Magbreggon* doe take no Spear with him to the Field, except he haith a Bowe or Pavice (K), upon paine of forfeiting six Shillings and eight Pence, and loosing of his Spear, Toties Quoties.

Item, That as soone as the Hoasting is concludid, that then the Gentles of the Shires of *Myeth* and *Dublyn* shall

(K) *Pavice* is a piece of Defensive Armour worn by the Antients, being the best sort of Bucklers, whose Sides bent inwards, and formed a light portable *Testudo*; in which sense it differed from the Target.

Baron Finglas's Breviate of IRELAND.

go together and Elect them a Captin, to be Captin, and their Baron at that Hosting; and if it shuld Fortune him to be taken in the Field, then his Ransome to be cessed upon every twenty Pound Lond, according to the Chardge of the Yeoman of his Shire.

Item, That no Lorde ne Gentilman be chardgid to goe to the Field in their proper Persons, but souche as will go for the Deputie's Pleasur.

Item, That no Yeoman ride to the Field; but every six Yeomen to take an Hackney, a Lad to bear their Jackes, Skulls, Bowes and Arrows; and all Bowe Men to goe on Foote, except the grete Captin.

Item, That the Mayors of *Dublyn* and *Drogheda* be not chardgid to go in ther proper Persons to the Field; except it be within the four Shires; but one of the Sheriffs of *Drogheda* to go with twenty four Bow's, with a Banner of Footemen; and all the Bowes of the County of *Louth* to goe still with the Banner, and the Banner to goe still with the Banner of *Myeth*.

Item, That ther be newe Captins elected agenst every Hostinge.

Item, That the Gentills chardged with the Spears of the three Shires shall goe, as soone as the writts of the Hostings come forth, to Elect a Captin for the Spears of ther Shire; and that the seyd Captin have a Banner; and that all the Spears of the Shire wait on that Captin and Banner; and that the Ordering of the Captins and Banners of the County of *Kildare* be ordered by the Deputie; soo that ther be fourty Men on Horseback at the least attending on.

Item, That the Gentills of the Marches of *Myeth* shall cefs on their March-Londs six *Kearn* of their own *Kearn*, to be indifferently cessed to every Hosting, and a Captin to be Elected for theime, and that Captin to have a little Banner, and all the *Kearne* to follow the same of that Shire, and to be always ready together.

Item, The Shire of *Uriell* (L) to cefs fourty *Kearne*, the Countys of *Kildare*, and *Katherlough* sixscore *Kearne*, and

(L) i. e. *Louth*,

their

their Captins to be elected, and every Captin to have their little Guidon (M).

Item, That the Hooft goe not a Day past fifteen Miles. And that it be lawfull to the King's Subgets next adjoining to the *Irishmen*, upon whom any Prey shuld be made, to doe the beast that they can to rescue and lett the seyd Prey, and to see it restorid to the owners.

Item, If the Deputy drawe any *Irishman* to goe with hym to any Hosting or othir Journay, that they have Livery (N) the Night going, and another coming: And that none dwelling within the four Shires have any *Livery* going ne comminge.

Item, That at any souche *Coy*n and *Livery* every Chief Horfe to have twelve Sheaves of Oats, and every Hackeny, or othir bearing Horfe, eight Sheaves, and that ther be but oone Boy for an Horfe.

Item, That all souche soo livered shall take souche Meat and Drink as the Husbandman haith, unto whome he is livered, so that that be competent Meat and Drinke; and if they woll not receive souche Meat and Drinke as they find, then every Horsfeman to have a Meal but two Pence, every Galloglas's Kearn and Boy oone Penny; and if it be Flesh Daye to have but oone Manner of Flesh sodden without anie rost, and but Bread and Butter, and alsoo Boys and Footemen, except *Sondayes*.

Item, If any soo livered take Pledges of theime othirwise than is above seyd, that for every Daye that the Husbandman or his Servaunts doe followe souche as have the Pledges, that the Pledge-taker to pay twenty Pence a Daye to the said Husbandman or his Servaunt, and to restore the same Pledge, and alsoo to forfeit to the Deputy twenty Shillings, *toties quoties*.

Item, Whensoever the Deputy with his Gard or othir Retinue come within any of the four Shires, then the Livered in the Country, and in the Burrows Towns by the Kyng's Herbinger shall be payed for every Yeoman, Horfe and Kearn's Meal, two Pence, and for every Boy a Penny, a Meal, and for every fix Sheaves of Oats a Penny,

(M) *i. e.* an Ensign or Standard.

(N) *Livery* is an Allowance of Horfe Meat *delivered* out Nightly for the Maintenance of the Horfe, when in Service, in Opposition to *Coigne*, which was paid in Money.

every

every Peck of Oats six Pence, a Gallon two Pence; and that they shall have souche Meat and Drinke as the Husbandman haith, on whom he is livered, and to take one manner of Flesh sodden without roaste, neyther to drive him to buy none, or outhir Viſuals; and that they playe no Riott he evil Order in pain of their Lives.

Item, That ther be none Herbinget within the four Shires, but onoly the Kyng's own Herbinget; and that he send noe Bill but such as shall be Sealed with the Sign of the Horse Head; and that every Bill do conteyn the best Man's Name whych shall goe with the same Bill, and that the Herbinget doe register the seyd Bills and Names in his Boke, and the Day, upon Paine of Forfeiture of six Shillings and eight Pence, *Totius quottis.*

And that ther be noe Town in any Parish free from Livery by the King's Bill, but souche as haith been always free from the Conquest, or souche as is made free by the Kyng's Deputy for some good Consideracione.

Item, If the Herbinget take Reward or outhir Bribe in Execution of his Office, to forfeit to the King for every Grote so taken six Shillings and eight Pence; and if he be found in thre Defaults, souche to be then put out of his Office.

Item, When the Kyng's Deputy shall fortune to parle or Intercomen with any *Irishman* adjoining to anie of the four Shires, at souche tyme the Sherriff of that Shire to have notice a Sevenyght before for to warne the Gentills next adjoining to tend upon the said Deputy on Payne of Amercement, as well as though it were by the King's Writt to them, which make default.

Item, That none doe put *Coyne* or *Livery* on any Man's Lands, except it be on his own in the Marches, upon payne conteyned in the Statute, to the restraint made of the same, and ovir this to forfeit ten Pounds *totius quottis*; and forfeiture of their Horses and Harneys, the oone haulfe to the Kyng, and the outhir haulfe to him on whose Lands the same *Livery* is made; and that it be lawfull to any Man so greved with *Coyne* or *Livery* to sue in any Court, which the Kyng haith, for the oone haulf of the seyd Ten Pounds.

Item, That the Deputy, and the Cittye of *Dublin*, and the Towne of *Drogheda*, shall have ther Charges born to Hostings

Hostings on the Kyng's Londs, and alsoe souche Londs as be in the Kyng's Hands, and in all othir Londes, which the owner be not bound to go to Hostings.

Item, That the Deputie doe put by Promiss and Bonds upon every *Irishman*, adjoyning his Power, to come with hym to all Hostings with certen somme of Horsemen and Kearne on ther proper Costs.

Item, That no Banner ne Guidon be rered ne displaid in the Field, but souche as shall be appointed by the Deputy; and that the seyd Deputie suffer but few Banners ne Guidons to be rered with him in the Field.

Item, From the tyme that the Deputy approche with his Host to his Enemie's Countrie, then he, or his Marshall, shall appoint a Forward and Middleward, and a Rereward; and, yf they be of Power, to appoint two Midlewards; and that noo Man departe from his Ward ne Bannery till they be clear come out of ther Enemie's Countrie, upon pain of Forfeiture of Horse and Harneyes.

Item, That the Host be redde everie Day at Sun rising, and the seyd Wards to go forward, as they shall be appointed, and that noone of the said Wardes goe far from outhir, soo that ther be noone avoidance betwixt them; and yf they come to any danger of Fastness or Pass, that then as soone as the Foreward is departid out of their Fastness, they to tarry with the Middleward, and soo they likewise to tarry with the Rearward, and, if nede be, they all to abide and tarry.

Item, That oone of the Deputie's Marshalls shall take and appointe a Ground for the Host, and to lodge by six of the Clock Aftirnoone; and in that Ground shall appointe the Deputie's Lodging, and after that all othirs to take ther Lodging place, as nigh as they can aboute that Lodging; so that the oone Lodging jöyne with th' othir, and soo to lodge throughout all the Host; soo as all the Hoste lodge as nigh together as they can possibly.

Item, That none goe to make Forrey (O), but they that shall be appointed by the Deputie or his Marshall, upon pain of Forfeiture of his Horse and Harnies; and that ther shall be certen Guidons of Horsemen, and Ban-

ners of Fotemen appointed Nightly upon the Forraghs, to wait so as they shall take noo hurt.

Item, He that maye be found lodgeinge loose out of the Host to forfeit twenty Shillings *toties quoties*, the oone half therof to the Deputy, and the oothir half to the finder.

Item, That the Watch every Night be appointed by the Deputy or his Marshall, and they so appointed to watch about the Host all Night, and the Watch to goe by course nightly about all the Host duringe ther beinge in the Field.

Item, Whosoever make Afraye in the Host, or maintain or take party with the same, to forfeit his Life, or a grievous Fine, at the Deputies Discrecione.

Item, Whosoever may be found with Theste provid on hym in the Host, to be hanged, or who may be found with receite of Theste in the Host to be hanged.

Item, Who takith any Viſtuals cominge to be sould in the Host, either to any Mann in Gyft, and interrupt the bringers, to forfeit a grievous Fine, *toties quoties*.

Item, That every Shire, with their Standards, lodge roundly togethir by themselves in one quarter of the Field; and that the Standards of *Dublyn*, the County of *Dublyn*, and the County of *Kildare*, goe togethir, and the Standards of *Drogheda*, *Myeth* and *Uriell* doe goe togethir.

Item, That the takinge of Hostages of *Irishmen* be done by noo Man but the Deputie, by advise of the Kyng's Councell; and the Persons befor named of every Shire, or by the moost part of theme.

Item, If the Deputy be driven, that he must have a Battayle or Battayles of *Galloglass*'s goeing to any Hosting or Journay, that they be Liveryed by the King's Herbinger by Bills after the form as is asor in the Livery of *Irishmen*, that shall come to Hostings or Journays.

Item, That the Justices of the Peace shall be made in every Shire, and they to make Wardens of the Peace in every Barony, and Constables in every Parish; and that they kepe Musters in every Barony once every quarter of the Yere.

Item, Every Man having four Pounds of free Goods, and so upwards unto ten Pounds, is worthy to have Bowe, some Arrows, or a Bill; and from ten Pounds is worthy

to have his *Yack*, *Sallet* (P), *Bow*, *Arrows*, and a *Bill*, upon pain of six Shillings and eight Pence, as often as he be found without the same.

Item, That shooting be used in every Parish within the *English* Pale every Holyday, so that the Weather be fair, upon pain of three Shillings and four Pence.

Item, That every Husbandman having a Plow within the *English* Pale shall sett by the Year twelve Ashes in the Ditches and closes of his Farm, on pain of two Shillings.

Item, Whensoever any Cry be reared in any Place, that all those that are adjoyning to the same Place, wher souch Cryes be made, shall answer to the same Cry, in ther moost defensibile array, upon pain of three Shillings and four Pence, that make default, *toties quoties*.

Item, That noo Man take Pledges within the *English* Pale, except it be for his Rent, upon pain conteyned in the seyde Statutes (Q) therupon made, and forfeit of five Pound, *toties quoties*, the one Moyety to the Kyng, and the other Moyety therof to hym upon whome the seyde Pledges be made; and that it be lawful to him to sue in any Court that the King haith for the same Moyety.

Item, Yf the Lond be in debate by severall Titles, then the Distress to be put in the Head Kine (R) of the Barony, where the said Lond is, and thier to be kept in Pound overt untill they be replevinede upon pain of an hundred Shillings.

Item, That there be noo Horsemen ne Kearne dwelling within the *English* Pale, upon pain conteyned in the Statutes (S) therupon made, and ovir that to forfeit all ther Goods; and alsoo that none within the *English* Pale have Horseboy of *Irish* Nacion upon pain of Forfeit of ten Pounds, *toties quoties*.

Item, That all Men shall answer the Offences of ther Servaunts and Boys, except for Treason, Murder and Manslaughter.

Item, If ther be any Warr with *Irishmen* made upon any of the four Shires, that then the Lordes and Gentilmen

(P) i. e. A Cap or light Armour for the Head, the same as the Scull.

(Q) The Statute of 15th *Edward* IV. makes it Felony to take Pledges contrary to the common Law.

(R) i. e. The Head Borough.

(S) Statute 18, *Henry* VI. Chasp. 3.

Baron Finglas's Breviate of IRELAND.

shall dwell on their Londes next adjoining to the seyd Warrs, and there to contynue during the continuaunce of the said Warrs, so that ther be a Castle upon the seyd Lond.

Item, If any Man be slain in the King's Service with the Deputy in the Field, he holdyng his Londs of the King, or any othir by Knights Service, then they, of whome the Londs be holdin, to take no advantage of ther Tenure, as to have the Ward of the Londs, and Marriage of the Bodies, during the nonage of the Heire, but that ther next Friends of theme so killed shall keep ther Londs and Profits of the same as Gardians in Soccage.

Item, That noo *Irish* Ministralls, Rymers, Shannaghs (T) ne Bards, be Messingers to desire any Goods of any Man dwelling wythin the *English* Pale, upon Pain of Forfeitur of all ther Goods, and ther Bodys to be imprisoned at the King's Will.

Item, Whosoever gyve untoo his Lord or Mastir any Nights Lodgeing or a *Cudye*, that he shall find during that Season with himself, or on his proper Tenaunts, all Horses, Boys, and Men, upon pain of ten Pounds, *toties quoties*.

Item, That noo *Irishman* compell any Man to his *alterage* upon pain of ten Pounds, *toties quoties*, and the Penalty of the Statut thereupon made.

Item, If any Nacion *Irish* or *English* dwelleth within any of the four Shires by alterage of any Man, that then he that buyeth, or he of whome it is bought, shall rear no Poundage of the said Buyers Nacion, without they then give it with their own free Will, without any Distress or Pledge therefore taken, upon pain of five Pounds, *toties quoties*.

Item, That ther be no Coine in this Lond, but such as shall be current in *Englaund*, and the *English* Grote to goe for five Pence, and Gold after the same Rate.

Item, That the Coin stroken in this Lond be uttered and exchaunged out of this Lond within a Twelve-month afir the Proclamation therupon.

Item, That no Man having a Plow of his own buy any Corn upon Pain of Forfeit twelve Pence against every Peck that he so buy, untill his own Corn be all spent.

(T) i. e. Genealogists.

Item,

Item, That noo Man lade Corn out of this Lond (U), if the Peck of Wheat be above the value of twelve Pence, and Mault above the value of eight Pence, upon pain of Forfeitur of the same; and that no Lycence be given to any Man for souch lading.

Item, That noo Merchaunt buy no Corn in Sheaf upon pain of Forfeiture of the same.

Item, That noo Merchaunts Wife use any Tavern of Ale upon pain of twenty Shillings, *toties quoties*, as oftin any of theme do the contrary; but lett theme be occupied in making of Woolen Cloath and Linnen.

Item, That noo Ale be sould above two Pence the Gallon, upon pain of eight Pence, *toties quoties*.

Item; That the Statutes of the *Spanish* Wines be put in Execution; that is, that no Hides be gyven for any manner of Wares, except it be for Wheat, Salt, Iron, or small Wines, upon pain of Forfeitur of the same, or the value; and all Men sending any Hides out of this Lond shall find Sureties to the Customers, that the return of the Hides shall come in such Wares as is aforesaid.

Item, That the said Statutes be put in Execution in all Towns and Creeks from *Dounegarvan* unto the Watter of the *Bann*.

Item, That noo Man buy any Hide above the value of sixteen Pence, upon pain of Forfeitur of the same Hide, or the value of the same.

Item, That noo Merchaunt doe send any manner of Wares among *Irishmen* to be sould upon pain of Forfeitur of the same, or the Value.

Item, That noo Merchaunt, neither his Servaunt, shall goe out of the Cittys and Towns wherin they dwell, to the intent to buy or sell any manner of Wares; and that they which dwell in *Dublin* and *Drogheda* shall bargain Wares with theme which dwell in the Borrough Towns in the Country.

Item, That the fourth Part of all the Hides that shall be bought shall be tanned ere they goe out of this Lond, on pain of Forfeitur of the same or the Value.

(U) By Stat. 12. *Edw.* IV. Chap. 3. All Persons were prohibited to lade any sort of Grain out of *Ireland*, if the Peck of Grain exceeded the Price of ten Pence, upon pain of forfeiting the Grain, or the Value thereof and the Ship, half to the King and half to the Seizer.

Baron Finglas's Breviate of IRELAND.

Item, That noo Lord, Gentilman, Freeholder, or Husbandman shall salt any Hides upon pain of Forfeitur of the same, or the Value.

Item, That noo Shipp ne Pickard break bulk from the head of *Wicklow* to the *Leifstoun*, except only in *Dublin*, *Drogheda*, and a part in *Dundalk*, at the Discretion of *Drogheda*, upon pain of Forfeitur of all ther Goods.

Item, That all Merchaunts, except Freemen, bringing any Wares to be sould within any of the said four Ports, if the seyd Wares be not bought of these, to be bought within forty Days after ther coming, that then they take ther Wares freely out of the said port with them.

Item, The fourth Part of Salmon, Hearing, and dry Fish made within theme of this Country, be kept and sold within the same Lond, upon pain of Forfeitur of the same, or the Value of it.

Item, That noo Man take any Horſe or Hawke out of this Lond to be sold upon Pain contained in the Statutes therupon made.

Item, That all Burrow Towns have good Lodging to lodge the King's Subjects therein; and that the Kings Officers of the same Towns see that the People be well lodged, and that they shall have Victuals plentifull for their Money, and good cheap, and that they shall have six Sheaves of Oats for a Penny, and a Peck of Oats for six Pence.

Item, That the Burrow Towns be made sure and fast, and the Customs Yereley be well bestowed upon the Walls and Ditches of the said Towns on their proper Costs, six Days in the Month of *March* every Yere from henseforward, to repaire and make fast their Walls and Ditches.

Item, That noone buy Caples (W) or Kine of any suspected Persons in the Markett, upon pain of Forfeitur of the same, or the value.

Item, That ther be noo Wheat Meal made in this Lond upon pain of Forfeiture of the same, or the Value thereof.

Item, That ther be but one maker of *Aquavita* in every Burrough Town, upon pain of six Shillings and eight Pence, *toties quoties*, at many as doo the contrary.

(W) *Caple* in *Irisb* signifies a Horſe in *Munſter*, and a Mare in other Parts. I take *Caples* to be used here in one of these Senses.

Item,

Item, That noo Wheaten Malt goe to any *Irishman's* Country, upon pain of Forfeiture of the same, or the value, except only, Bread, Ale, and *Aquavita*.

Item, The Deputy to have Pledges continually of the Captins of *Irishmen* next adjoining the *English* Pale for Peace.

Item, That no black Rent be given ne paid to any *Irishmen*, upon any of the four Shires from henceforward; and any black Rent, which they had afore this time, that it be paid unto them for evir.

Item, That the Lords of the Councell shall be bound to their Diligence that the Premises shall be put in Execution.

Item, That the Judges of the King's Courts, and the Justices of the Peace in every Shire shall have Authority to enquire for the Transgressors, and Offenders of the Premises, and punish such as shall be culpable in any Article.

Item, That the Lords and the King's Councell add, correct, and amend all that is conteyned in this Boke after their Discrecion.

Item, That the King's Revenues be not graunted to none, nor parcell of his Revenues in *Ireland*.

Item, That the Deputy receive the Fee Farm and Customs of the City of *Waterfort* and haulf the Fee Farm of *Cork*, *Youghill*, *Limerick*, and *Galloway* and the othir haulf to the Reparacions of ther Walls, and to ther defence.

Item, It is a gret Abufion and Reproach, that the Laws and Statuts made in this Lond are not observed ne kept after the making of theme eight Days; which matter is oone of the Distructions of *Englishmen* of this Lond; and divers *Irishmen* doth observe and kepe souch Laws and Statuts which they make upon Hills in ther Country firm and stable, without breaking them for any Favour or Reward.

Item, If the Deputy for the tyme being Livery at his Pleasure Lords and Gentilmen's Londs, lett the seyd Lords ne Gentilmen call that Lond theirs at length, but call it the Deputies Londs, and take Ensampl therof in *Mounster*.

Item, That the Deputy shall cause all the King's Subgets next adjoining to *Irishmen*, of all his Londs to find Sureties, and to be bound by great Bonds of Recognizance to observe the King's Laws, and to pay their Allegiaunce

truely, and to be fourth coming to answere to all such
Mattirs as shall be laid to their Chargis, as by the Lord
Deputy shall be thought proper.

Item, That the Deputy be eight Days in every *Summer* cutting Passes of the Woods next adjoining to the King's Subjets, which shall be thought most needefull.

The PASSES Names here ensueth.

Downe, Calibre the Newe Ditch, the Passes to Powerscourt, Glankry, Ballamore in Foderth goinge to Kearnes, Le Roge, Strenan, oragh, Poelamounty, Branwallehangry, Morterston, two Passes in Feemore, in O-Moryes Country, the Passes of Ferneynobegane, Ki'lemark, Kelly, Ballenower, Taghernefine, two Passes in Reymalegh, the Passes going to Moill, two Passes in Kairy, the Passes of Brahon Juryne, Kiikorky, the Lagha, and Ballatra, Carryconnell and Killaghmore, three Passes in Oriore, one by Donegall, another by Faghert, and the third by Omere, Beliaghkine and Ballaghner.

Item, James, Erle of Desmond, Grandfather to the Erle that now is, and it is a little above fifty one *Winters* sithence he died, and he was the first Man that ever put *Coyne* and *Livery* on the King's Subgetts. There is the Countys of *Waterfort*, *Cork*, *Kerry*, and *Limerick*, wherein dwelled divers Lordes, Knights, Esquires, and Gentlemen; and wore the *English* Habitt, and kept good *Engleish* Order, and Rule; and the King's Laws there well obeyed; and they had in the said four Shires then above two hundreth marks a Yere of Londs, Rents and Customs; and the aforesaid Erle had but oone Part of oone of the four Shires, and before he dyed he put by the seyd extortion of *Coyne* and *Livery* the seyd four Shires undir him and his Heirs, so as now the King's Laws be not used, the King ne his Deputy not obeyed, the King hath lost his Rents and Revenues, the Lords and Gentilmien of the same be in no better Cafe than the wild *Irish*; for they use *Irish* Habitt, and *Irish* Tongue, and where the said Erle had not of Yerely Rents then past five hundreth Pounds; now his Heirs, as they receive every thing accounted, may dispend ten thousand Pounds a Yere.

Item,

761. 6. 5. The State of Illinois
In the County of Cook, Illinois
I, the undersigned, Clerk of the Court,
do hereby certify that the within and
above is a true and correct copy of the
original as the same appears from the
records of the Court.

Item, The Countys of *Kilkenny* and *Tipperary* wore *English* Habit, and kept the *English* Order and Rule, and the King's Laws were obeyed there within this fifty one Yeres, and there dwelled divers Knights, Esquires and Gentilmen who wore the *English* Habitt, and kept good Order; and the *Butlers* dwelling in the said two Shires; and they seeing the late Demeanors of the aforesaid Erle of *Desmond's*, and of his Conquest, they began the said *Coyne* and *Livery*, and used it sithence; soo as by the same they have put these two Shires clearly undir their Rule, and the King's Laws not obeyed, and all the King's Subjects be in no better Cafe than the wild *Irisb*.

Item, The Erle of *Ujster* might dispend a Yere in that Lond above thirty thousand Marks, and had five Shires, besides Lordships and Mannors, as the Writer herof can shew and declare. These be the five Shires, the Countys of *Tyrone*, *Antrim*, *Carrigfergus*, *Newtown*, and *Lekahill* (X), and the last Earl called *William* had but oone Daughte, married to *Lenell*, Duke of *Clarence*; and they had but oone Daughte, who was marryed to the Erle of *March*, and soforth; to the House of *York*; and these forsaide great Estates had so much Londs in the Realm of *Englaund*, and in time vexed and troubled, that they took no hold to the forsaide Erldome, ne put keeping on the same; so as by that means *Irisbmen* near had conquered the said five Shires.

(X) *Newtown*, *Lecale*, and *Ardes*, in the County of *Down*, were antiently three distinct Counties in themselves; as was also *Carrickfergus*. See the *Antiquities of Ireland*, Chap. V. p. 36, 37.



By the King,

A

PROJECT

FOR

The Division and Plantation of the Escheated Lands in six several Counties of *Ulster*, Namely, *Tyrone*, *Coleraine*, *Donnegall*, *Fermanagh*, *Ardmagh*, and *Cavan*.

IN this PROJECT we have first conceived four general Points to be observed in every County, viz.

- I. That the Proportion of Land to be distributed to Undertakers may be of three different quantities. The first and least may consist of so many parcells of Land as will make a thousand *English Acres*, or thereabouts. The second or middle proportion of so many parcells as will make 1500 *English Acres*, or thereabouts. The third and greatest of so many parcells as will make two thousand *English Acres*, or thereabouts.
- II. That all the Lands Escheated in every County may be divided into four Parts; whereof two Parts may be divided into Proportions consisting of a thousand Acres a Piece, a third part into proportions of fifteen hundred Acres, and the fourth part into proportions of two thousand Acres.

III. That

- III. That every proportion be made a Parish, and a Parish Church erected thereon; and the Incumbents be endowed with Glebes of several quantities, viz. An Incumbent of a Parish of a thousand Acres to have sixty Acres, an Incumbent of a Parish of fifteen hundred Acres to have ninety Acres, and an Incumbent of a Parish of two thousand Acres to have one hundred and twenty Acres; and that the whole Tythes, and the Duties of every Parish be allotted to every Incumbent, besides the Glebes aforesaid.
- IV. That the Undertakers of these Lands be of several sorts. 1. *English and Scottish*, who are to Plant their proportions with *English and Scottish* Tenants. 2d. Servitors in *Ireland*, who may take *English or Irish* Tenants at their choice. 3d. Natives of those Counties, who are to be Free-holders.

THE COUNTY of TYRONE.

THE County of *Tyrone* is divided into certain parcells of Land called *Ballyboes*, a *Ballyboe* being a quantity of Land containing sixty Acres *English*, or thereabouts.

The whole County, including both the Temporal and Ecclesiastical Lands, by the Book of Survey containeth 1571 *Ballyboes*, or 98187 Acres, after the rate of a thousand Acres *English* to sixteen *Ballyboes*, and so proportionably; where of the one Moiety, or two parts, being 785 *Ballyboes* and a half, or 49093 Acres and a half, will make of the least Proportion, consisting of sixteen *Ballyboes*, or a thousand Acres, or thereabouts, forty nine proportions, and ninety three Acres and a half to spare.

The half of the other Moiety, or third part, being 392 *Ballyboes*, and three fourths, or 24547 Acres, will make of the middle quantities, consisting of twenty four *Ballyboes*, or fifteen hundred Acres, or thereabouts, sixteen proportions, and eight *Ballyboes*, and three fourths, or 547 Acres over.

The other half of this Moiety, or the fourth part, containing likewise 392 *Ballyboes*, and three fourths, or 24547 Acres, will make of the greatest quantitie of 32 *Ballyboes*,
or

or 2000 Acres, or thereabouts, twelve Proportions, and eight Ballyboes and three fourths or 547 Acres over.

So as the whole County being thus divided will make up seventy seven Proportions of all kinds, and the odd Fractions do make one small Proportion more, which in all make seventy eight Proportions, and three Ballyboes, or 188 Acres over to be added to the next Parish.

And to avoid confusion, and his Majesty's further charge in measuring the whole County, every Ballyboe is to have the same bounds and quantity, as were known, set out, and used at the time of the departur of the late Traitor *Tyrone*.

The whole County being thus divided into several quantities, or proportions, before there be any distribution made to Undertakers, we think convenient first to make a deduction out of the whole for the Church, or state of the Clergy in that County, which may be done in this manner,

The Portion of the CHURCH.

The *Termon Lands*, claimed partly by the Primate of *Armagh*, and partly by the Bishop of *Clogher* and *Derry*, as the demesnes of their Bishopricks (whereas they are now found by inquisition to be Escheated unto his Majesty,) and that the Bishops had only certain Pensions, and some other Duties issuing out of the same do contain the number of three hundred and four Ballyboes, or nineteen thousand Acres, which his Majesty may be pleased to bestow upon the said Archbishoprick, and Bishopricks, for the better Maintenance of the Archbishops, Bishops, and their Dignitaries, and in lieu of their *Tertio Episcopalis*, or third part of the Tythes of the County.

Out of the Residue his Majesty may be likewise pleased, out of his Princely Bounty, to grant to every Personage a new Endowment of certain Lands for the Glebe thereof, according to the third general Point before set down; which in this County will extend to ninety eight Ballyboes, or six thousand one hundred and twenty five Acres.

The Monastery Lands do contain only twenty one Ballyboes, or 1312 Acres; whereof four Ballyboes, or 250 Acres, are in Lease for twenty one Years, and so many
more

more granted in Fee-farme; the other thirteen Ballyboes, or eight hundred and thirteen Acres in Possession, and the reversion of the four Ballyboes, which are in Lease, may be disposed to the College of *Dublin*, to fill up part of their Book granted by *Queen Elizabeth*, for which they shall pay only half as much as the *English* and *Scottish* Undertakers are to pay by the Articles in the Printed Conditions.

The Undertakers Portion.

The Church being thus provided for, there will remain the number of eleven hundred and forty eight Ballyboes, or 71750 Acres to be distributed among the Undertakers, who shall yield Rents and other Services to his Majesty.

Out of which there will rise thirty five Proportions of the least Quantity of sixteen Ballyboes or a thousand Acres a Piece, twelve Proportions of the middle sort and twenty four Ballyboes, or two thousand five hundred Acres a Piece, and nine of the greatest of thirty two Ballyboes, or two thousand Acres a Piece, and twelve Ballyboes, or seven hundred and fifty Acres over the whole Number of Proportions, being fifty six. We think it fit, that two of the small Proportions be assigned to the uses hereafter specified, and fifty four to be left for Undertakers, which may be thus disposed, *viz.*

Thirty five may be allotted to the *English* and *Scottish* Undertakers, who are to Plant with *English* and *Scottish* Tenants; eleven to the Servitors, which may receive *Irish* Tenants; and eight to the Natives, who are to be made Free-holders.

Again, to the *English* and *Scottish* Undertakers, who are to make a Plantation with *English*, or Inland *Scottish* Tenants, may be allotted six of the greatest Proportions, eight of the middle Sort, and twenty of the least.

To the Servitors, who may take *Irish* Tenants, two of the greatest, two of the middle, and seven of the least.

To the Natives, who are to be made Free-holders, one of the greatest, two of the middle, and five of the least Proportions.

The Church and Undertakers being thus provided for, we hold it Convenient, that there be five corporate Towns,

or

or Borrowes erected in that County, with Markets and Fairs, and other reasonable Liberties, and with Power to send Burgeſſes to the Parliament, *videlicet*, Firſt, at *Dunganon*, Second, at *Clogher*, Third, at *Omagh*, Fourth, at *Loughenfolin*, and Fifth, at *Mountjoy*: And that there be a Levie or Preſt of Tradeſmen and Artiſicers out of *England* to People thoſe Towns. And whereas the odd Ballyboes or Acres abovementioned, with the two ſmall Proportions abated from the Undertakers, do amount to the Number of forty four Ballyboes or two thouſand ſeven hundred and fifty Acres, there may be thirty two Ballyboes, or two thouſand Acres, allotted to the ſame Towns, *videlicet*, eight Ballyboes, or five hundred Acres to *Dunganon*, and fix Ballyboes, or three hundred and ſeventy five Acres a Piece to the other Towns, which they are to hold in Fee-Farme, and pay ſuch Rent as the *Engliſh* or *Scottiſh* Undertakers.

The other twelve Ballyboes, or ſeven hundred and fifty Acres, may be aſſigned to the Maintenance of a Free School to be erected at *Mountjoy*.

• Touching the diſpoſing of the Natives, ſome may be planted upon the two thouſand three hundred and twenty three Acres of Land, and the Glebes of the Parſons, others upon the Lands of Sir *Art. O'Neill's* Sons, and Sir *Henry Oge-O'Neill's* Sons, and of ſuch other *Iriſh* as ſhall be thought fit to have any Freeholds there. Some others may be placed upon the Portions of ſuch Servitors as are not able to inhabit their Lands with *Engliſh* or *Scottiſh* Tenants, eſpecially of ſuch as know beſt how to rule and order the *Iriſh*.

But the Sword Men are to be transported into ſuch other Parts of the Kingdom, as by Reaſon of the waſte Lands therein, are fitteſt to receive them, namely, into *Conaght*, and ſome Parts of *Munſter*, where they are to be diſperſed, and not planted together in one Place; and ſuch Sword Men as have not Followers, or Cattle of their own, to be diſpoſed of in his Maſtie's Service.

The COUNTY of *COLERAIN*.

THE County of *Colerain*, otherwise called *O'Cahan's* County, is divided, as *Tyrone*, by Ballyboes, and doth contain, as it appeareth by the Survey, five hundred forty seven Ballyboes, or thirty four thousand one hundred and eighty seven Acres, every Ballyboe containing sixty Acres, or thereabouts, as in *Tyrone*.

Out of which do arise twenty four Proportions, and three Ballyboes, or one hundred and eighty seven Acres over, to be added to the next Parish, *viz.* of the one Moiety there doe arise seventeen of the least Proportions, and of the one half of the other Moiety, six of the middle, Sort, and of the other half of this Moiety four of the greatest, every of which Proportions is to be made a Parish, and every Incumbent to have his Tithes, Glebe, and other Duties, as is before set down.

For the Portion of the CHURCH.

1st. The *Terron* Lands claimed by the Bishop of *Derry* do contain one hundred and one Ballyboes and a half, or six thousand three hundred and forty three Acres, and three fourths, and may be assigned, if it so please his Majesty, to the Bishoprick of *Derry*, for the better Maintenance of the Bishop and Dignitaries, and in lieu of the *Tertia Episcopalis*, &c.

2d. The Dean of *Derry's* Land, containing six Ballyboes, or three hundred seventy five Acres, to remain to himself.

3d. Out of the residue, thirty four Ballyboes, or two thousand one hundred and twenty five Acres, may be assigned to the Glebes of the Incumbents.

4th. Out of the Monastery Lands, eighteen Ballyboes, or eleven hundred and twenty five Acres, may be passed to the College in *Dublin*, and the other six Ballyboes, or three hundred and seventy five Acres to be allotted towards the Maintenance of a Free School to be erected at *Lynepaddy*.

The

The Portion of the Undertakers.

All which being deducted, there remain three hundred eighty two Ballyboes, or twenty three thousand eight hundred and seventy five Acres, to be divided amongst the Undertakers, which will make, according to the form of Division made of the Lands in *Tyrone*, eighteen Proportions, viz. of the least eleven, of the middle, four, and of the greatest, three, and fourteen Ballyboes, or eight hundred seventy five Acres over ; whereof may be allotted, to the *English* and *Scottish* Undertakers twelve Proportions, viz. eight of the least, two of the middle, and two of the greatest. To the Servitors, one of the middle Sort, and to the Natives five Proportions, viz. three of the least, one of the middle, and one of the great.

The odd fourteen Ballyboes, or eight hundred and seventy five Acres, may be equally allotted to two corporate Towns or Burrowes to be erected, one at *Limevaddy*, and the other at *Dungevin*, which are to have reasonable Liberties, to send Burgessees to Parliament, and to hold their Lands in Fee-Farm as aforesaid.

The Natives to be placed or planted as in *Tyrone*.

There are in this County divers fishings, touching the Disposition whereof his Majesty's Pleasure is to be known.

The Moiety of the fishing of the *Ban*, unto which Moiety, as likewise unto the other Moiety, the Assignees of Sir *William Godolphin* make claim by a Lease for twenty one Years made the forty second of *Elizabeth*, which Lease hath been in Question, and allowed by the State in *Ireland*, and the Assignees of *John Wakeman* do claim the Fee Simple thereof by Letters Patents dated the third *Jacobi*.

And the Lord Bishop of *Derry* claimeth one Days fishing, viz. the second *Monday* after Midsummer Day in the River of the *Ban*, and likewise the fishing of the Wear of *Ballinasse*, which notwithstanding was granted by Letters Patent to *Thomas Ireland*, and by him assigned to *Thomas Philips*, who is now in Possession thereof.

A small Salmon fishing in the River of *Roe*, which is in his Majesty's Possession.

A small

A small Salmon fishing in the Creek of *Foughan*, falling into *Loughfoyle*, in his Majesty's Possession.

Certain small Pools for fishing in the South side of *Loughfoyle* in the King's Possession. But the Lord Bishop of *Derry* doth claim a Pool called *Clonye*.

The COUNTY of *DONEGALL*.

THE County of *Donegall*, called *Tyreconnell*, is divided by certain Parcells of Land called *Quarters*; which *Quarters*, because they are not equal in Quantity, some containing a greater Number of Acres, and some less, we are to make our Division by Acres.

The whole County doth contain one hundred and ten thousand and seven hundred Acres; which will produce, according to the former Division, eighty seven Proportions, *viz.* fifty five of the least of one thousand Acres a Piece, and thirteen of the middle Sort of fifteen hundred Acres a Piece, and fourteen of the greatest Proportion of two thousand Acres a Piece, and seven hundred Acres over to be added to some Parish; every of which Proportions is to make a Parish as aforesaid, wherein the several Incumbents are to have several Glebes, and all the Tithes and Duties as aforesaid.

The CHURCH's Portion.

1st. *Terron* Lands do contain nine thousand one hundred and sixty eight Acres, which may be assigned to the Bishoprick as before.

2d. The Bishop's mensall Lands or *Demefines* are three thousand six hundred and eighty Acres.

3d. The Incumbents of eighty seven Parishes, according to the former Division, may have six thousand six hundred Acres.

4th. The Monastery Lands are nine thousand two hundred and twenty four Acres, which are almost all either granted in Fee-Farm, or claimed by such as pretend Title thereunto; but whatsoever shall remain to his Majesty the same

same to be allotted to the College of *Dublin*, to be passed in their Book, as aforesaid.

There are besides three other Parcels of Land surveyed, which cannot be distributed to Undertakers; one of them of three hundred Acres allotted to the Fort of *Culmore*, another of one thousand twenty four Acres called *the Inche*, passed in Fee-Farm to Sir *Ralph Bingley*, and one thousand Acres allotted to *Ballyshanon*.

The Undertakers Portions.

So as there remaineth to be allotted to Undertakers seventy nine thousand seven hundred and four Acres, which being divided into the aforesaid Proportions, will make sixty two of all kinds, *viz.* forty of the least, thirteen of the middle Proportions, and nine of the greatest, which may be thus distributed.

Thirty eight Proportions may be disposed to *English* and *Scottish*, *viz.* twenty five of the least, eight of the middle Sort, and five of the greatest.

Nine to Servitors, *viz.* five of the least, two of the middle, and two of the greatest.

Fifteen to Natives, *viz.* ten of the smallest, three of the middle, and two of the greatest.

There resteth two Thousand two Hundred and four Acres, which may be thus disposed to Corporate Towns, which are to have reasonable Liberties, and send Burgeses to Parliament, and to hold their Lands as aforesaid; *viz.* to *Derry*, eight hundred Acres, to *Calbeg* two hundred Acres, to *Donegall* two hundred Acres, to *Rath*—two hundred Acres, to the *Liffer* are already assigned five hundred Acres, and to *Ballyshanon* a Thousand.

The residue, being six hundred and four Acres, to be equally allotted towards the maintenance of two Free Schools, the one at *Derry*, the other at *Donegall*, and that the Scite of the Monastery there be allotted to the Bishop of *Raphoe* for his Habitation, reserving convenient Rooms for the School and School-Master.

The Natives to be disposed as in *Tyrone*.

A Project for the Division

Fishings in this County in the King's Possession, touching the Disposition thereof his Majesty's Pleasure is to be signified.

In the Barony of *Enishowen* Fishings of Salmon, Herring and Ling.

1. Near *Culmore*.
2. Near *Rinnecarrenkill*.
3. In the Bay of *Cooledagh*.
4. In the Bay of *Thebeggigh*.
5. In the Bay of *Boneranagh*.
6. In *Lough Swilley*.
7. In the Creek of *Newcastle*.

To these the Bishop of *Derry* maketh Claim.

In the Barony of *Kilmacrenan*.

Fishing of Salmon, Herring, Ling, and other Sea Fish.

1. In the Creek of *Sullaghmore*.
2. In the Creek of *Lonnan*.
3. In the Creek of *Mayrey*.
4. In the Creek of *Cougagh-gerragh*, alias *Shepton*.
5. In the Creek of *Cownekillibight*.
6. In *Lough Swillie*, near *Ramullen*.
7. In the Bay of *Dunsmaghie*.
8. In the Bay of *Cloydagb*.

In the Barony of *Boyle* and *Bannogh*. Fishing of Salmon and other Sea Fish.

1. In the Bay of *Owybarragh*.
2. In the Bay of *Owen* I *Owy*.
3. In the Bay of *Portynynicheen*.
4. In the Bay of *Inver*.
5. In the Haven of *Callbegg*.
6. In the Bay of *Tullen*.
7. In the Isles of *Arran*.

To these the Bishop of *Derry* maketh Clayme for a Moiety.

In the Barony of *Tyrebugh*. Fishing of Salmon.

1. In the River of *Ballyshanon*.
2. In *Bondroyse*.

} In Lease to Sir *Henry Foliot*.

In

In the Barony of *Raphoe*.

Salmon Pooles between *Liffer* and the *Derry*, on the West-side of *Lough-Foyle*, claimed by *James Hamilton* and others; but the Bishop of *Derry* claimeth the Pooles of *Clenbrey*.

The COUNTY of *FERMANAGH*.

THE County of *Fermanagh*, commonly called, *Mac-Gwyer's Country*, is divided into small Precincts of Lands, called *Tathes*, every *Tathe* containing by Estimation thirty Acres or thereabouts, as it is found by the Survey, and doth contain one thousand and seventy *Tathes*, or thirty three thousand four hundred and thirty seven Acres and an half, besides forty six Islands, some of greater, and some of lesser Quantitie. But what number of *Tathes* or Acres the said Islands do contain is not set down in the Survey, because the Countrey did not present the same.

The said thousand and seventy *Tathes*, or thirty three thousand four hundred thirty seven Acres and an half, do make twenty six Proportions of all sorts, viz. of the least sixteen, of the middle six, and of the greatest Proportions four; and fourteen *Tathes*, or four hundred thirty seven Acres and an half over, to be added to some Parish: In every of which Proportions there may be a Parish and several Incumbents, with Glebes and other Duties, as is before set down.

For the Proportion of the CHURCH.

1. The *Terron* Lands, to be deducted out of the said Number of one thousand and seventy *Tathes*, do contain one hundred *Tathes*, and three fourths, or three thousand one hundred and forty seven Acres and an half, which may be granted, if it so please his Majesty, to the Bishoprick.

2. The Bishop's Menfall or Demeasne Land containeth sixty Acres.

H 2

3. Further,

3. Further, the Incumbents are to have sixty six *Tathes*, or two thousand sixty Acres for their Glebes.

4. The Monastery Lands contain forty four *Tathes*, or thirteen hundred seventy five Acres, passed already in Fee-Farm.

For the Undertakers.

So there remain to be past to the Undertakers eight hundred fifty eight *Tathes*, or twenty seven thousand seven hundred ninety five Acres, which make twenty Proportions of all sorts, viz. of the least thirteen, of the middle four, and of the greatest three.

The odd *Tathes* are eighty nine, or two thousand seven hundred and ninety Acres; whereof thirty *Tathes*, or nine hundred and thirty seven Acres and an half, may be equally allotted to three corporate Towns to be erected, one at *Lisgool*, another at *Castleskagh*, and the third in the middle way between *Lisgool* and *Ballyshanon*, the Place or Seat of the Town to be chosen by the Commissioners. The Towns are to hold their Lands, and to have such Liberties as these formerly mentioned. Thirty nine *Tathes*, or twelve hundred twenty eight Acres to the College of *Dublin* as aforesaid, and twenty *Tathes*, or six hundred twenty five Acres, for the Maintenance of a Free-School to be erected at *Lisgoole*.

The Proportions in this County are to be distributed in this manner.

Connor Roe Mac-Guire hath his Majesty's Word for the whole Barony of *Magheri-Stephana*, the whole Barony of *Clancallie*, the half Barony of *Tyrecannada*, and the half Barony of *Knockniny*, which contain three hundred and ninety *Tathes*, or twelve thousand two hundred and eighty seven Acres and an half, and do take up five of the least Proportions, two of the middle, and two of the greatest, and are to be passed unto him according to his Majesty's Royal Word.

Howbeit we think it convenient, that he do keep in his Possession only one great Proportion of two thousand Acres, and do make Estates of Freehold in the rest in such manner as shall be prescribed unto him by the Commissioners, and

and that he do yield unto his Majesty such Rent, risings out, and other Services, ratable for the three Baronies, as he should have done by his former Letters Patent granted unto him of the whole Country; which Letters Patent he hath promised to surrender.

The Proportions remaining to be distributed are in Number eleven, *viz.* eight of the least, two of the middle, and one of the greatest, which may be allotted in this Manner, *viz.*

To Britains none.

To Servitors four, *viz.* three of the least, and one of the middle.

To the Natives seven, *viz.* five of the least, one of the middle, and one of the greatest.

Touching the Natives, who are not to be Freeholders, the Commissioners are to take such Order for the placing or transplanting of them, as for the Natives in *Tyrone*.

The COUNTY of CAVAN.

THE County of *Cavan*, commonly called *O-Reylie's* Country, is divided into small Precincts of Land, called *Polls*, every *Poll* containing twenty four Acres, by the Survey; whereof there are found in this County sixteen hundred and twenty, which doth make forty thousand five hundred Acres. These *Polls*, after the Division formerly used, will make thirty two Proportions, *viz.* of the least twenty, of the middle seven, and of the greatest Proportion five; and every of these Proportions may be a Parish, with Glebes and Tythes to the Incumbent, as in *Tyrone*.

For the Portion of the CHURCH:

1. The *Termon* Lands are one hundred and forty *Polls*, or three thousand five hundred Acres, which his Majesty may dispose to the Bishoprick.

2. For the Incumbents Glebes, one hundred *Polls*, or two thousand five hundred Acres.

3. The Monastery Land contain twenty *Polls*, or five hundred Acres.

For the Undertakers.

So there remain to be distributed to Undertakers thirteen hundred and sixty *Polls*, or thirty four thousand Acres, which being divided, as before, make twenty six Proportions of all sorts, *viz.* of the least seventeen, of the middle five, and of the greatest four, which may be divided among the Undertakers in this manner.

To *English* and *Scottish* six Proportions, *viz.* three of the least, two of the middle, and one of the greatest,

To Servitors six Proportions, three of the least, two of the middle, and one of the greatest.

To Natives fourteen, *viz.* eleven of the least, one of the middle, and two of the greatest.

There remain sixty *Polls*, or fifteen hundred Acres, of which thirty *Polls*, or seven hundred and fifty Acres, may be allotted to three Corporate Towns, or Burroughs, which are to be endowed with reasonable Liberties, and to send Burgesses to the Parliament, and to hold their Lands as aforesaid, *viz.* ten *Polls*, or two hundred and fifty Acres to the Town of the *Cavan*; so much more to *Belturbet*, and so much more to a third Town to be erected in or near the Midway between *Kells* and the *Cavan*, the Place or Seat thereof to be chosen by the Commissioners. Ten other *Polls*, or two hundred and fifty Acres may be laid to the Castle of *Cavan*, six other *Polls* may be allotted to the Castle of *Cloughbutter*, and the other fourteen *Polls*, or three hundred and forty six Acres to the Maintenance of a Free-School to be erected in the *Cavan*.

Touching the Natives, who are not to be made Freeholders, they are to be placed within the County, or removed by Order of the Commissioners, as they be in *Tyrone*.

THE COUNTY of *ARDMAGH*.

THE County of *Ardmagh* is divided by *Ballyboes*; but because the *Ballyboes* are not found to be of equal quantity, or number of Acres, the Distribution of this County is to be made by Acres.

The

The whole County doth contain seventy seven thousand eight hundred Acres, which will make sixty one Proportions, *viz.* of the least thirty eight, of the middle fort thirteen, and of the greatest Proportion ten, and thirty Acres over to be added to some Parish. In every of which Proportions there is to be a Parish and an Incumbent, with Glebes and Tythes, *ut supra*.

For the CHURCH.

1. Out of these are to be deducted, first, the Primate's Share, which do contain two thousand four hundred Acres.

2. For the Incumbent's Glebes, four thousand six hundred and fifty Acres.

3. The Monastery Lands already granted four hundred and thirty Acres.

4. The Lands of the *Fuggies* already passed to Sir *Tirlagh Mc. Henry*, containing nine thousand nine hundred Acres.

5. The Lands granted to Sir *Henry Oge* contain four thousand nine hundred Acres.

The Undertakers Portions.

So as after these Deductions made there remain for Undertakers fifty five thousand six hundred and twenty Acres, which make in all forty two Proportions, *viz.* of the least twenty seven, of the middle fort nine, and of the greatest six, which may be thus distributed, *viz.*

To the *English* and *Scotish* Undertakers twenty eight, *viz.* of the least eighteen, of the middle fort six, and of the greatest four.

To Servitors six, *viz.* of the least four, of the middle fort one, and one of the greatest.

To the Natives eight, *viz.* five of the least, two of the middle fort, and one of the greatest.

The odd Acres remaining are in Number three thousand one hundred and twenty, which may be thus divided, *viz.*

A Project for the Division, &c.

Twelve hundred Acres to four Corporate Towns or Burrows, which are to have like Liberties, and hold their Lands, as before is expressed, *viz.* to *Ardmagh* three hundred Acres, to *Mount-Norris* three hundred Acres, to *Charlemount* three hundred Acres, and to a Corporate Town to be erected at *Tanrygee*, in *O-Hanlon's* Country, three hundred Acres: Of the rest, twelve hundred Acres may be granted to the College in *Dublin*, and the residue, being seven hundred and twenty, to be allotted to the Maintenance of a Free-School to be erected at *Ardmagh*.

Touching the Natives, who shall not be Freeholders, they are to be placed or removed by Order of the Commissioners, as in *Tyrone*.

The Escheated Lands in every of the said Counties being thus divided and distributed, the several Undertakers are to have such Estates, and to yield such Rents and Services, and to observe such other Articles, as are lately published in Print (A) by his Majesty's Command.

Lastly, for the Encouragement and Advancement of the Scholars of the College of *Dublin*, and to furnish the Churches of *Ulster* with sufficient Incumbents, we think it convenient, if it so please his Majesty, that there be six Advowsons in every County given to the College, *viz.* three of the best, and three of the second Value.

(A) These Articles (though not at first proposed to be printed in this Collection) are thought proper to be hereunto annexed, for the better understanding the Nature of the Plantation.

OBSERVATIONS

OBSERVATIONS

UPON THE

Foregoing PROJECT.

1. **I**T is manifest that this Project was drawn up by the Privy Council of *Ireland*, to be laid before the King and Council in *England*, as a Guide for the Plantation.

2. Whoever compares the Project with the Orders and Conditions annexed, and with Captain *Pynnarr*'s Survey hereafter following, will evidently see, that the Project was varied from in several Particulars, and in many others pursued.

3. Where in the Project a County is said to contain a determinate Number of Acres, *Tyrone* for Example, 98187 *English* Acres, it must not be understood, that the County of *Tyrone* has no more *English* Acres in it (and so of others.) For it is well known, that the County of *Tyrone* contains 387175 *Irish* Plantation Acres, which make 626959 *English* Acres. But the meaning is, that the County contained so many Acres of escheated profitable Land, exclusive of unforfeited, and Church Lands, and also of Boggs, Mountains, Lakes, Woods, and other unprofitable Scopes.

4. In the Project Provision was made for erecting several Corporate Towns; many of which through the escheated Counties were omitted to be done.

5. The

Observations upon the Foregoing PROJECT.

5. The Transplantation of the *Irish* Swordmen, or Soldiers, into *Conaught* was not observed.

6. By the Project, *Connor Roe Maguire* is mentioned to be intitled by the King's Promise to the two Baronies of *Magherestephana* and *Ciancallie*, and to the two half Baronies of *Tirreanada* and *Knockininy*, in the County of *Fermanagh*, containing 390 *Taths*, or 12287 Acres; yet there is no allotment to him appearing in Captain *Pynnarr's* Survey; which is supplied by Patents granted to him, as appears in the Rolls Office; and therefore are not within the Intention of the Plantation and Survey.

7. The like may be said of *Tirlagh Mc-Henry O'Neill*, to whom the Lands of the *Fughes* in the County of *Armagh*, containing 9900 Acres, were passed in Patent before the Project was framed; and yet it appears by the said Survey that 5500 Acres of the Precinct of the *Fughes* were granted to *Scottish* Undertakers.

8. The Division of the County of *Donegall* is not adjusted right in the foregoing Project; the distributive Proportions not amounting to the Numbers mentioned in the general Division: But the Editor could not be justified in departing from his Copy. The same will appear in a more minute Manner through some other Counties.

9. The *Terron* Lands, which frequently occur in the Project are explained in the *Antiquities of Ireland* lately published, Chap. 35. p. 233.

ORDERS

ORDERS

AND

CONDITIONS

TO BE

Observed by the Undertakers upon the
Distribution and Plantation of the
Escheated Lands in *Ulster*.

From a Copy printed in the Year 1608.

WHereas the greatest Part of six Counties in the
Province of *Ulster* within the Realm of *Ireland*,
namely, *Ardmagh*, *Tyrone*, *Colraue*, *Donegall*,
Fermanagh and *Cavan*, being escheated, and come to the
Crown, hath lately been surveyed, and the Survey there-
of transmitted and presented to his Majesty: Upon View
whereof, his Majesty of his Princely Bounty, not respect-
ing his own Profit, but the publick Peace and Welfare of
that Kingdom, by the civil Plantation of those unreformed
and waste Countries, is graciously pleased to distribute the
said Lands to such of his Subjects, as well of *Great Britain*
as of *Ireland*, as being of Merit and Ability shall seek the
same, with a Mind not only to benefit themselves, but to
do Service to the Crown and the Commonwealth.

And

And forasmuch as many Persons, being ignorant of the Conditions whereupon his Majesty is pleased to grant the said Lands, are importunate Suitors for greater *Portions* than they are able to plant, intending their private Profit only, and not the Advancement of the publick Service; it is thought convenient to declare and publish to all his Majesty's Subjects the *several Quantities of the Proportions, which shall be distributed, the several sorts of Undertakers, the manner of Allotment, the Estates, the Rents, the Tenures*, with other Articles to be observed as well on his Majesty's behalf, as on the behalf of the Undertakers, in Manner and Form following.

First, The Proportions of Land to be distributed to Undertakers shall be of three different Quantities, consisting of sundry parcels or precincts of Land, called by certain *Irish* Names, used and known in the said several Counties, *viz. Ballitetaghs, Quarters, Balliboers, Tathes, and Polls*; the first or least *Proportion* to contain such or so many of the said Parcels, as shall make up a *thousand English Acres* at the least; and the second or middle *Proportion* to contain such or so many of the Parcels, as shall make up *fifteen hundred English Acres* at the least; and the last or greatest *Proportion* to contain such or so many of the said Parcels, as shall make up *two thousand English Acres* at the least; to every of which *Proportions* shall be allowed such quantity of Bog and Wood, as the Country shall conveniently afford.

Secondly, The Persons of the Undertakers of the several *Proportions* shall be of three Sorts, *viz.*

1. *English* or *Scottish*, as well Servitors as others, who are to plant their *Portions* with *English*, or inland *Scottish* Inhabitants.

2. Servitors in the Kingdom of *Ireland*, who may take meer *Irish, English, or inland Scottish* Tenants at their choice.

3. Natives of *Ireland*, who are to be made Freeholders.

Thirdly, His Majesty will reserve unto himself the appointment in what County every Undertaker shall have his *Portion*. But to avoid Emulation and Controversy, which would arise among them, if every Man should chuse his Place where he would be planted; his Majesty's Pleasure is, that the Scites or Places of their *Portions* in every County shall be distributed by Lot.

Lastly,

Lastly, The several Articles ensuing are to be observed, as well on the behalf of his Majesty, as of the several Undertakers respectively.

ARTICLES *concerning the English and Scottish Undertakers, who are to Plant their Portions with English and Inland Scottish Tenants.*

1. His Majesty is pleased to grant Estates in Fee-Farm to them and their Heirs.

2. They shall Yearly yield unto his Majesty for every *Proportion of a thousand Acres*, five Pounds six Shillings and eight Pence *English*, and so ratably for the greater *Proportions*, which is after the rate of six Shillings and eight Pence for every three Score *English Acres*. But none of the said Undertakers shall pay any Rent, until the expiration of the first two Years, except the Natives of *Ireland*, who are not subject to the Charge of Transportation.

3. Every Undertaker of so much Land as shall amount to the greatest *Proportion* of two thousand Acres, or thereabouts, shall hold the same by Knight's Service *in Capite*; and every Undertaker of so much Land as shall amount to the middle *Proportion* of fifteen hundred Acres, or thereabouts, shall hold the same by Knight's Service, as of the Castle of *Dublin*. And every Undertaker of so much Land as shall amount to the least *Proportion* of a thousand Acres, or thereabouts, shall hold the same in common Soccage: And there shall be no Wardship upon the two first discents of that Land.

4. Every Undertaker of the greatest *Proportion* of two thousand Acres shall, within two Years after the Date of his Letters Patents, build thereupon a Castle, with a strong Court or Bawne about it. And every Undertaker of the second or middle *Proportion* of fifteen hundred Acres shall, within the same time, build a Stone or Brick House thereupon, with a strong Court or Bawne about it. And every Undertaker of the least *Proportion* of a thousand Acres shall, within the same time make thereupon a strong Court or Bawne at least. And all the said Undertakers shall draw their Tenants to build Houses for themselves, and their Families, near the principal Castle, House, or Bawne,

for

for their mutual Defence or Strength. And they shall have sufficient Timber, by the Assignment of such Officers as the Lord Deputy and Council of *Ireland* shall appoint, out of his Majesty's Woods in that Province, for the same Buildings, without paying any thing for the same, during the said two Years: And to that end, there shall be a present Inhibition to restrain the Falling or Destruction of the said Woods in the mean time, for what Cause soever.

5. The said Undertakers, their Heirs and Assignes, shall have ready in their Houses at all times a convenient Store of Arms, wherewith they may furnish a competent number of able Men for their Defence, which may be viewed and mustered every half Year, according to the manner of *England*.

6. Every of the said Undertakers *English* or *Scottish*, before the enfealing of his Letters Patents, shall take the Oath of *Supremacy*, either in the Chancery of *England* or *Ireland*, or before the Commissioners to be appointed for establishing of the Plantation, and shall also conform themselves in Religion according to his Majesty's Laws.

7. The said Undertakers, their Heirs and Assignes, shall not alien or demise their Portions, or any part thereof to the meer *Irish*, or to such Persons as will not take the Oath, which the said Undertakers are bound to take by the former Article. And to that end a *Proviso* shall be inserted in their Letters Patents.

8. Every Undertaker shall within two Years after the Date of his Letters Patents, plant or place a competent number of *English* or inland *Scottish* Tenants upon his *Portion*, in such manner as by the Commissioners to be appointed for the establishing of this Plantation shall be prescribed.

9. Every of the said Undertakers for the space of five Years next after the Date of his Letters Patents shall be resident in Person himself upon his *Portion*, or place some such other Person thereupon, as shall be allowed by the State of *England* or *Ireland*, who shall be likewise resident there during the said five Years, unless by reason of Sickness or other important Cause he be Licensed by the Lord Deputy and Council of *Ireland* to absent himself for a time.

10. The

10. The said Undertakers shall not alien their *Portions* during five Years next after the Date of their Letters Patents, but in this manner, *viz.* one third Part in Fee-Farm, another third Part for forty Years or under, reserving to themselves the other third Part without Alienation, during the said five Years. But after the said five Years they shall be at liberty to alien to all Persons, except the meer *Irisb*, and such Persons as will not take the Oath, which the said Undertakers are to take as aforesaid.

11. The said Undertakers shall have power to erect Mannors, to hold *Courts Baron* twice every Year, to create Tenures to hold of themselves upon Alienation of any part of their said *Portions*, so as the same do not exceed the Moiety thereof.

12. The said Undertakers shall not demise any part of their Lands at will only, but shall make certain Estates for Years, for Life, in Taile, or in Fee-Simple.

13. No uncertain Rent shall be reserved by the said Undertakers, but the same shall be expressly set down without reference to the Custom of the Country, and a *Proviso* shall be inserted in their Letters Patents against *Cuttings*, *Colberies* (A), and other *Irisb* Exactions upon their Tenants.

14. The said Undertakers, their Heirs and Assigns, during the space of seven Years next ensuing, shall have power to transport all Commodities growing upon their own Lands, which they shall hold by those Letters Patents, without paying any Custom or Imposition for the same.

15. It shall be Lawful for the said Undertakers, for the space of five Years next ensuing, to send for, and bring into *Ireland*, out of *Great Britain*, Victuals, and Utensils for their Households, Materials and Tools for Building, and Husbandry, and Cattle to stock and manure the Lands aforesaid, without paying any Custom for the same, which shall not extend to any Commodities by way of Merchandize.

(A) For Cuttings, and Colberies, Exactions so called, See the *Antiquities of Ireland*, Chap. 12. p. 75, 76.

ARTICLES *concerning such Servitors in Ireland, as shall be Undertakers in this Plantation, and shall have power to inhabit their Portions with meer Irish Tenants.*

1. They shall have Estates in Fee-Farm.

2. They shall yield a Yearly Rent to his Majesty of eight Pounds *English* for every *Proportion* of a thousand Acres, and so ratably for the greater *Proportions*, which is after the rate of ten Shillings for sixty *English* Acres, or thereabouts, which they shall inhabit with meer *Irish* Tenants; but they shall pay only five Pounds Six Shillings and eight Pence for every *Proportion* of a thousand Acres, which they shall inhabit with *English* or *Scottish* Tenants as aforesaid, and so ratably for the other *Proportions*. And they shall pay no Rent for the first two Years.

3. They shall hold their several *Portions* by the same Tenures as the former Undertakers respectively.

4. They shall build their Castles, Houses, and Bawnes, and inhabit their Lands within two Years, and have a competent store of Arms in readines, as the former Undertakers.

5. They shall have Power to create Mannors and Tenures, as the former Undertakers.

6. They shall make certain Estates to their Tenants, and reserve certain Rents, and forbear *Irish* Exactions, as the former Undertakers.

7. They shall be resident for five Years, as the former Undertakers, and be restrained from Alienation within the same time, as the former Undertakers.

8. They shall take the Oath of Supremacy, and be conformable in Religion, as the former Undertakers.

9. They shall not alien their *Portions*, or any part thereof, to the meer *Irish*, or to any such Person or Persons as will not take the like Oath as the said Undertakers are to take, as aforesaid; and to that end a *Proviso* shall be inserted in their Letters Patents.

10. They shall have power or liberty to transport, or bring in Commodities, as the former Undertakers.

ARTICLES

ARTICLES *concerning the Irish Natives, who shall be admitted to be Freeholders.*

1. They shall have Estates in Fee-Farm.
2. They shall pay the Yearly Rent of ten Pounds thirteen Shillings and four Pence for every *Portion* of a thousand Acres, and so ratably for the greater *Proportions*, which is after the rate of thirteen Shillings and four Pence for every sixty Acres or thereabouts; and they shall pay no Rent for the first Year.
3. For their Tenures they shall hold as the other Undertakers respectively, according to their *Portions*, with a *Proviso* of forfeiture of their Estates, if they enter into actual Rebellion.
4. They shall inhabit their Lands, and build their Castles, Houses, and Bawnes, within two Years, as the former Undertakers.
5. They shall make certain Estates for Years, or for Lives, to their under Tenants, and they shall take no *Irish* Exactions.
6. They shall use Tillage and Husbandry after the manner of the *English* Pale.

Certain general Propositions to be notified to the Undertakers of all sorts.

1. That there shall be Commissioners appointed for the setting forth of the several *Proportions*, and for the ordering and settling of the Plantation, according to such Instructions as shall be given unto them by his Majesty in that behalf.
2. That all the said Undertakers shall by themselves, or by such, as the States of *England* or *Ireland* shall allow of, attend the said Commissioners in *Ireland*, at or before *Midsummer* next, to receive such Directions touching their Plantations, as shall be thought fit.
3. That every Undertaker, before the enfealing of his Letters Patents, shall enter into Bond, or Recognizance, with good Sureties, to his Majesty's Use, in the Office of his Majesty's Chief Remembrancer in *England* or *Ireland*, or in his Majesty's Exchequer or Chancery in *Scotland*, or
I else

else before two of the Commissioners to be appointed for the Plantation, to perform the foresaid Articles, according to their several Distinctions, of *Building, Planting, Residence, Alienation within five Years*, and *making of certain Estates to their Tenants*, in this manner, viz. The Undertaker of the greatest Proportion to become bound in four hundred Pounds, of the middle Proportion in three hundred Pounds, and of the least Proportion in two hundred Pounds.

4. That in every of the said Counties there shall be a convenient Number of *Market Towns* and *Corporations* erected for the Habitation and settling of Tradesmen and Artificers; and that there shall be one *Free-School* at least appointed in every County for the Education of Youth in Learning and Religion.

5. That there shall be a convenient number of Parishes and Parish Churches with sufficient Incumbents in every County; and that the Parishioners shall pay all their Tithes in kind to the Incumbents of the said Parish Churches.

A

COMMISSION to inquire into the KING's Title to the several escheated and forfeited Lands in *Ulster*, in the several Countys of *Armagh*, *Tyrone*, *Colerain*, *Donegall*, *Fermanagh*, and *Cavan*, in Order to the Plantation there, with Articles and Instructions annexed.

Out of the Rolls Office in Dublin: Anno. 7. Jac. 1. inrolled. 16. Jac. 1. pars. 2. dors.

JAMES, &c. to our right Trusty and well beloved Sir *Arthur Chichester* Knight, our Deputy of our Realm of *Ireland*, *Thomas*, Archbushopp of *Dublin*, our Chancellor in our said Realm, *Henry* Archbushopp of *Armagh*, Primate of all *Ireland*, *George*, Bushopp of *Derry*, *Clogher*, and *Rapboe*, *Robert*, Bushopp of *Kilmore* and *Ardagh*, Sir *Thomas Ridgeway* Knight, our Vice Treasurer, and Treasurer at Warrs in our said Realm, Sir *Richard Wingfield* Knight, our Marshal of our Army there, Sir *Humphry Winche* Knight, Chief Justice of our Chief Place in our said Realm, Sir *John Denbam* Knight, Chief Baron of our Exchequer in our said Realm, the Master of our Rolls in our Chancery of the said Realm for the Time being, Sir *Oliver St. John* Knight, Master of our Ordnance in our said Realm, Sir *Oliver Lambert* Knight, one of our Privy Council in our said Realm, Sir *Henry Power* Knight, one other of our Privy Councill in our said Realm, Sir *Gerald Moore* Knight, one other of our said Privy Councill, Sir *Adam Loftus* Knight, one other of our Privy Councill in our said Realm, Sir *Richard Cooke* Knight, our

I 2

Principal

Orders and Conditions for

Principal Secretary in our said Realm, Sir *John Davis* Knight, our Attorney General in our said Realm, *William Parsons* Esq. Surveyor General of our Possessions in our said Realm, and *George Sexten* Esq. our Escheator within our Province of *Ulster*, greeting.

Whereas great scopes and extent of Land in the several Counties of *Armagh, Tirone, Coleraine, Donegall, Fermanagh, and Cavan*, within our Province of *Ulster*, are escheated and come to our Hands by the attainder of sundry Traitors and Rebels, and by other just and lawfull Titles, whereof we have caused heretofore several Inquisitions to be taken, and Surveys to be made, which being transmitted and presented unto us, we considered with our Privy Councell attending our Person, how much it would advance the Welfare of that Kingdom, if the said Land were planted with Colonies of civil Men, and well affected in Religion; whereupon there was a Project conceived for the Division of the said Lands into Proportions, and for the Distribution of the same unto Undertakers, together with certain Articles of Instruction for such as should be appointed Commissioners for the said Plantation; which Project and Articles signed with our own Hand we have lately transmitted unto you our Deputy. And whereas we are informed that in the Inquisitions and Surveys formerly taken there have been some Omissions, as well of the Ecclesiastical Lands claimed by the several Bishops, within whose Dioceses the said escheated Lands do ly, as of the Lands merely Temporal, which might the more easily happen, by reason that the Quantity and Measures of Lands in those Countries, which were not in former Times governed by the *English* Laws, were unknown to our Officers and Ministers there; as also because the said Service of enquiry and Survey was mixed with other Services, namely, with Goal Deliveries and other Execution of the Publick Justice, and with the Prosecution of such as were in open Action of Rebellion, KNOW YE, that we reposing special Trust and Confidence in your Wisdoms, Diligence, and Sincerity, have by the advice and Consent of you, our right trusty and well-beloved Councillor Sir *Arthur Chichester* Knight, our Deputy General of our said Realm of *Ireland*, made, constituted, ordained and appointed, and by these presents do make, constitute, ordain,

dain, and appoint, you, or any five or more of you (whereof you our said Deputy shall be always one) to be our Commissioners, and we do hereby give unto you, or any five or more of you, as aforesaid, full Power and Authority to enquire as well by the Oaths of good and lawful Men, as by all such other good Ways and Means, as to you shall seem fit and convenient, what Castles, Mannors, Lordships, Lands, Tenements, Rents, Services, Customs, Duties, Fishings, Advowsons, or other Hereditaments whatsoever, Situate, lying and being in the several Counties of *Armagh, Colerain, Tyrone, Donegall, Fermanagh, or Cavan*, or either of them, or in the confines of them or either of them, are escheated and come, or ought to be escheated and come to our Hands and Possession, or to the Hands and Possession of any of our Progenitors or Predecessors, Kings or Queens of *England*, by Virtue of any Act or Acts of Parliament, by attainder of any Person or Persons, by breach of any Condition or Conditions contained in any Letters Patent, by escheat, Forfeiture, or by any other Ways or Means whatsoever; and to make an exact Survey of the said Lands, Tenements and Hereditaments, and of every Part thereof, by the Numbers of Ballybetaghs, Ballyboes, Polles, Tathes, Acres, or other Measures, and Quantities of Land used and known in the said several Counties; and after Inquisition and Survey thereof taken as aforesaid, to plot and divide the said Lands into several Parishes, Precincts, and Proportions, and to distinguish the same by particular Names, Mears and Bounds, according to the tenor and intent of the said Project and Articles of Instruction hereunto annexed; and further to perform and execute all and every Act and Acts, thing and things whatsoever contained and prescribed in and by the said Project and Articles.

And we do further, by and with the Consent aforesaid, give unto you, or any five or more of you as aforesaid, full Power and Authority to hear and Determine all Titles, Controversies and Matters whatsoever, which shall arise, and be moved or pretended as well between us and our Subjects, as between Party and Party, concerning the said Lands, Tenements, and Hereditaments, or any Part thereof (the Church Lands only excepted) which nevertheless you shall also have Power to Order and Decree as aforesaid,

Instructions to Commissioners

foresaid, so as it be done with the Consent of you our Deputy, and of you the Archbushopp of *Dublin*, our Chancellor, and of you *Henry*, Archbushopp of *Armagh*, Primate of all *Ireland*, and of you *George*, Bushopp of *Derry*, *Clogher*, and *Raphoe*.

And lastly, we do hereby give you, or any five or more of you, as aforesaid, full Power and Authority to do and execute all and every other Act or Acts, thing or things whatsoever, which you, or any five or more of you, as aforesaid, shall in your Discretion think Pertinent and Convenient for and towards the Perpetration, Furtherance, or finishing of the said Plantation, willing and commanding you and every of you to give diligent Attendance, and to use your best endeavour in the execution of the Premisses, as becometh; and what you, or any five or more of you, as aforesaid, shall do herein, the same to certify us in our High Court of Chancery in our said Realm of *Ireland* before Hallow Mass next ensuing the date hereof. In Witness, &c. Witness our said Deputy General of our said Realm of *Ireland* at *Dublin* the one and twentieth Day of *July*, in the seventh Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the two and fortieth.

ARTICLES *For Instructions to such as shall be appointed Commissioners for the Plantation of Ulster.*

JAMES REX.

1st. That a general care be taken, that such Orders, Conditions, and Articles, as have been lately published in Print, or are to be printed or transmitted, touching the Plantation, be observed, and put in Execution, as well by the Commissioners, as by the Undertakers.

2d. That the said Commissioners be ready to begin their Journey into our Province of *Ulster* for the Execution of their Commission before the end of *July* next, or sooner if it may be.

3d. The Omissions and Defects in the former Survey of the escheated Lands in *Ulster*, either for us or the Church, are to be supplied and amended by new Inquisitions, and the Ecclesiastical Lands to be distinguished from the Lands belonging to the Crown.

4th.

4th. The Countys being divided into several Proportions, every Proportion is to be bounded out by the known Metts and Names, with the particular Mention both of the Number and Name of every Ballyboe, Tath, Polle, Quarter, or the like *Irish* precinct of Land, that is contained in every Portion, and to give each Portion a proper Name to be known by, and in the Proportions lying near to the High Ways, choice is to be made of the most fit Seat for Undertakers to Build upon, in such Sort as may best serve for the safety and Succour of Passengers; and also to allot and set out by Meares and Bounds unto every Proportion so much Bogg and Wood over and above his Number of Acres, as the Place where the Proportion shall ly may conveniently afford, having respect to the Adjacent Proportions.

5th. Because the Article of casting Lotts discourageth many that are sufficient, and would be glad to dwell together, that therefore every County be divided into greater Precincts, every Precinct containing eight ten or twelve thousand Acres, according to the greatnes of the County, and those Precincts to contain several Proportions lying together, to the end that so many Consorts of Undertakers may here be appointed as there are several Precincts; which being done, then these Consorts may cast Lotts for the Precincts, and afterwards divide every Precinct amongst the particular Undertakers of that Consort, either by Agreement or by Lott; and this form not to be concluded but upon Consideration taken thereof by the Commissioners there, who having reported back their Opinions, some such course may be resolved, as to us shall be thought most convenient.

6th. To cause Plots to be made of every County, and in the said Plot to prick out the several Precincts, and in the Precincts the several Proportions by their Names.

7th. Such great Woods, as the Commissioners shall make choice of to be preserved for our Use, are to be excepted out of the Proportions, and to be reserved for the Undertakers buildings, and for such other purposes as to us shall be thought fit.

8th. That in the Surveys Observation be made what Proportions by Name are fittest to be allotted to the *Brittains*, what to the Servitors, and what to the Natives;

Instructions to Commissioners

wherein this respect is to be had, that the *Brittains* be put in Places of best safety, the Natives to be dispersed, and the Servitors planted in those Places, which are of greatest Importance to serve the rest.

9th. The Commissioners are to limit and bound out the Precincts of the several Parishes, according to their Discretions, notwithstanding the Limitation of the Precinct; wherein they may observe the antient limits of the old Parishes, so as the same Breed not a greater inconvenience to the Plantation, and to Assign to the Incumbent of each Parish a Glebe after the rate of three score Acres for every thousand Acres within the Parishes in the most convenient Places, or nearest to the Churches; and for the more certainty to give each Glebe a certain Name, whereby it may be known; and to take Order, that there be a Proviso in the Letters Patent for passing the Glebes to restrain the Alienations thereof, saving during Incumbencies.

10th. It is fit, that certain Portions be allotted and laid out for Towns in the Places mentioned in the Project, or in more convenient Places, as shall seem best to the Commissioners, having regard, that the Land be laid as near to the Towns as may be.

11th. The Parcels of Land, which shall be allotted to the College in *Dublin*, and to the Free Schools in the several Counties, are to be set out and distinguished by Mears and Bounds, to the end the same may be accordingly passed by several grants from us. The Commissioners likewise are to set out the Quantity of three great Proportions lying together in the County of *Armagh* to be allotted to the said College of *Dublin*, and six thousand Acres to be taken out of the Lands omitted in the last Survey (if so much shall be found) these to be only of our Land, and not of the Church Land.

12th. That there be set out and reserved twelve thousand Acres, either out of the Proportions, or otherwise out of the Lands omitted in the Survey, in such Counties and Places, as to our Deputy and Commissioners shall be thought meet, the same to be disposed by us for the Endowment of an Hospital to be erected for maimed and diseased Soldiers, in such Place and Manner, as we shall hereafter appoint.

13th. The Commissioners shall by the Authority given them

them hear and determine all Titles and Controversies by finall Order and Decree, that shall be brought before them, concerning any Lands and Possessions (the Church Lands only excepted) which nevertheless they shall have also Power to Order and Decree (as aforesaid) so it be done with the Consent of the Lord Deputy, the Archbushopp of *Dublin*, and the now Bushopp of *Derry*. They shall also compound for Titles between us' and our Subjects, and between Party and Party.

14th. And whereas Complaint is made, that the scites of some Cathedral Churches, the Places of the Residence of the Bushoppes, Deans, Chapters, Dignitaries, and Prebends in *Ulster*, be passed away to Divers in Fee-Farm by Letters Patent under pretence of Monastery Lands, to the great Detriment of those Churches, the Commissioners shall have Authority to examine the same, and finding the Information true, to consider of some course to be taken for Restitution to be made to the Churches from whence they were formerly taken, with such Consideration to those that now hold them, as standeth with equity, according to the Circumstances considerable. And further we are pleased, that the escheated Lands, out of which the Bushoppes have had heretofore rent, certainty of Refections, or Pensions, should be esteemed Ecclesiastical, and be annexed to the severall Sees whereunto they did pay the same, whereof the Commissioners are to take particular notice, and to see the same effected accordingly.

15th. You our Deputy shall cause our Judges and learned Counsel to set down our Titles to the severall Lands lately escheated in *Ulster*, to see the Records to be perfit- ted, and to take care that they may be safely preserved and kept Secret, and to transmit the Cases hither under the Hands of our Judges and learned Counsel.

16th. All Acts Orders and Decrees resolved there to be recorded into two Books, the one to remain there in some Court of Record, and the other to be transmitted to our Counsel here.

17th. It is also to be considered what Portions are fit to be allotted to the Mother of the late Earl of *Tyrconnel*, the Mother of *Mac-Gwir*, *Katherine Butler*, the late Widow of *Mulmorie O-Rely*, and such others as claim Jointures; and that the Commissioners do (if they have cause) allow the

the same unto them during their Lives, and the Reversion to the Natives, with Condition that they observe the Articles of the Plantation, as other Undertakers do, or otherwise to assign them Recompence in some other Place.

18th. The River Fishings in Loughs and Rivers are to be allotted unto the Proportions next adjoining unto the Loughs and Rivers, wherein the said Fishings are, the one Moiety to the Proportion lying on the one Side of the River or Lough, and the other Moiety to the Proportion lying on the other Side, unless by necessity or inconveniency it shall be found fitting to be allotted to the one Side; for which Fishing some increase of Rent is to be reserved unto us, as to the Commissioners shall be thought fit.

19th. That return be made of their proceedings and doings by Virtue of this Commission and Instructions before *Hallow-mass* next, that we may have convenient Time to resolve thereupon this Winter, and to signify our Pleasure against the next Spring.

N. B. By virtue of the aforesaid Commission, Inquisitions were duly held concerning the several escheated Lands in the Counties therein mentioned, which were returned into the Rolls Office, where they remain. And Anno. 11. Jac. 1. a Commission concerning the escheated Mountains in the said Counties issued, upon which Inquisitions were also held, and the returns thereof remain among the Rolls so far as relates to the Counties of *Cavan*, *Fermanagh*, *Donnegall*, and *Tyrone*.

P Y N N A R ' s

P Y N N A R's
S U R V E Y
O F
U L S T E R.

A BRIEF View and Survey made at several times, and in several Places, in the several Counties within named, between the first Day of *December* 1618, and the 28th Day of *March* 1619, by me *Nicholas Pynnar* Esq; and others, by Virtue of his Majesty's Commission under the great Seal of *Ireland* to me and others directed, dated the 28th Day of *November* 1618: Wherein are set forth the Names of the several *Brittish* Undertakers, Servitors, and principal Natives, with their Proportions, and the Undertakers of Towns, in the several Countys of *Ardmagh, Tyrone, Donegall, Cavan, and Fermanagh*, and how they have performed their Buildings, and Plantations of Inhabitants, and other particular Matters answerable to certain Articles to the said Commission annexed; together with the Works and Plantation performed by the City of *London* in the City and County of *London-Derry*: All which I do certify as upon my own View and Examination; the Particulars whereof do hereafter follow.

County

County of CAVAN.

The Precinct of *Clanchie*, allotted to *Scottish* Undertakers.

1. The Lord *Aubignie* was the First Patentee.

3000 Acres. Sir *James Hamilton* Kt. holdeth these Lands by the Names called *Keneth* 2000 acres, and *Casbell* alias *Castle Aubignie* 1000 acres.

Upon this Proportion there is built a very large strong Castle of Lyme and Stone, called *Castle Aubignie*, with the King's Arms cut in Free-Stone over the Gate. This Castle is five Stories high, with four round Towers for Flankers, the body of the Castle fifty Feet long, and twenty eight Feet broad, the Roof is set up, and ready to be Slated. There is adjoining to the one End of the Castle a Bawne of Lyme and Stone eighty Feet square, with two Flankers fifteen Feet high. This is very strongly built, and surely wrought. In this Castle himself dwelleth, and keepeth House with his Lady and Family, This Castle standeth upon a meeting of five beaten ways, which keeps all that Part of the Country.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Free-Holders 8, viz.

- 1 having 480 acres
- 2 having 144 acres le piece.
- 2 having 192 acres jointly.
- 1 having 108 acres.
- 2 having 120 acres le piece.

Lease-holders for 3 Lives, 3, viz.

- 1 having 120 acres.
- 1 having 96 acres.
- 1 having 48 acres

Lease-

Lease-holders for Years 5, viz.

- 1 having 102 acres.
- 2 having 96 acres le piece.
- 1 having 168 acres.
- 1 having 100 acres.

Cottagers, 25.

Each Man a Tenement, a small quantity of Land, and Commons for certain numbers of Cattle.

Total 41 Families, which do consist of 80 Men at Arms.

Thirty six of the Heads of these Families have now taken the Oath of Supremacy.

I find upon these Lands good Tillage and Husbandry according to the *English* manner.

H. 1000 acres.

John Hamilton Esq; hath 1000 acres called *Kiltloghan*.

Upon this Proportion there is built a Bawne of Lime and Stone eighty Feet Square, and thirteen Feet high, with two round Towers for Flankers, being twelve Feet le Piece in the diameter: There is also begun a Stone House, which is now one Storie high, and is intended to be four Stories high, being forty eight Feet long, and twenty four Feet broad, besides two Towers, which be vaulted and do flank the House. There is also another Bawne near adjoining to the former Bawne, which is built of Stone and Clay, being one hundred Feet square, and twelve feet high; and in that Bawne there are begun two Houses of Clay and Stone, the one to be eighty Feet long, and the other sixty, and each to be twenty Feet in breadth. There is also a Village, consisting of eight Houses joining to the Bawne, being all inhabited with *Brittish* Tenants. Also a Water-Mill and five Houses adjoining to it.

I find planted and estated upon this Land of *Brittish* birth and descent.

Free-

Free-Holders 2, viz.

2 having 120 acres le piece.

Leffees for Years, 6, viz.

6 having 48 acres le piece.

Cottagers 7.

Each of these have a House and Garden Plott, and Commons for four Cows.

In total 15 in Family, which consist of forty Men armed. These 15 principal Tenants have all taken the Oath of Supremacy.

Here is good Tillage and Husbandry after the manner of the *Englisb*.

III. 1000 Acres.

William Hamilton Esq; holdeth 1000 acres called *Dromuck*.

Upon this Proportion there is a Bawn of Lyme and Stone being eighty Feet square, with two round Towers for Flankers, and two Stories high vaulted, the Wall itself being thirteen Feet high. Within the Bawn there is a House of Lime and Stone thirty six Feet long, twenty Feet broad, and near to this Bawne there is a Village consisting of five Houses, being all *Brittish* Families.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Free-Holders, 2, viz.

2 having 120 acres le piece.

Leffees for 3 Lives 2, viz.

1 having 42 acres.

1 having 54 acres.

Leffes for Years 4, viz.

1 having 128 acres.

1 having 84 acres.

1 having 48 acres.

1 having 36 acres.

Cottagers that hold for Years 6, viz.

1 having 30 acres.

1 having 20 acres.

1 having 15 acres.

1 having 12 acres.

1 having 11 acres.

1 having 10 acres.

Total 14 Families, consisting of thirty able Men to serve the King.

There are twelve of the Heads of these Families have taken the Oath of Supremacy.

I find upon these Lands Tillage and Husbandry according to the *Englisb* manner.

IV. 1000

IV. 1000 Acres.

William Bealie Esq; holdeth 1000 acres called *Tonregie*.

Upon this Proportion there is a Bawne of Lyme and Stone ninety Feet square, with two Flankers, and in one of the Flankers there is a Castle in building which is above the first Storie; and the length of it is thirty Feet, the breadth 22 Feet, being vaulted; there is another House at one of the Corners, and is twenty Feet square, and vaulted, being but one Storie high. In this himself with his Wife and Family are now dwelling.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Freeholders, 2, viz.

- 1 having 144 acres.
- 1 having 48 acres.

Leaseholders for Years, 4, viz.

- 2 having 96 acres le piece.
- 2 having 48 acres le piece.

Cottagers for Years, 4, viz.

- 2 having 20 acres jointly.
- 1 having 5 acres.
- 1 having 4 acres.

Total ten Families, consisting of twenty eight Men armed.

These ten Families have now taken the Oath of Supremacy.

I find here good Tillage after the *English* Manner.

The Precinct of *Castlerabin*, allotted to Servitors and Natives.

V. 1000 acres.

Sir *William Taafe* was the 1st Patentee.

Sir *Thomas Asb* Kt. holdeth 1000 Acres called *Mullagh*.

Upon this Proportion there is an old Castle new mended; but all the Land is now inhabited with *Irish*.

VI. 1000

VI. 1000 acres.

Sir Edmond Phettilace was the first Patentee.

Sir Thomas Ash holdeth this Proportion called *Carvyn*.

Upon this there is built a very good Bawne of Lyme and Stone, being seventy Feet square, with two Flankers, and is twelve Feet high; but all the Land is inhabited with *Irish*.

VII. 500 acres.

Lieutenant Garth was the first Patentee.

Sir Thomas Ash Kt. holdeth five hundred acres, called *Murmode*.

Upon this Proportion there is a Bawne of Sodds; but all the Land is inhabited with *Irish*.

VIII. 1000 acres.

Captain Ridgewaie was the first Patentee.

Captain Culme holdeth 1000 acres, called *Logb-rammar*, alias the Manner of *Chicbester*.

Upon this Proportion there is a Bawne of Lime and Stone, one hundred and eighty Feet square, with two Flankers, and fourteen Feet high, and a House in it of Lime and Stone, which is building, being now about the second Storie, the Roof ready to be set on. He hath four *English* Families, and this Bawne standeth upon a Passage, which is able to do good Service.

Captain Culme is to build a Town called *Virginia*; for which he is allowed two hundred and fifty acres. Upon this he hath built eight Timber Houses, and put into them *English* Tenants; of which Town there is a Minister, which keepeth School, and is a very good Preacher.

IX. 400 acres.

Sir John Elliot Kt. holdeth four hundred acres called *Muckon*.

Upon this Proportion there is a Bawne of Lyme and Stone sixty Feet square, and a small House, all the Land being inhabited with *Irish*.

X. 900

X. 900 acres.

Sbane Mc. Phillip O-Rellie hath nine hundred acres.

Upon this Proportion is a small Bawne of Sodds, and an *Irish* House, wherein he dwelleth.

The Precinct of *Tullagharvy*, allotted to Servitors.

XI. 1500 acres.

*Captain *Hugh Culme*, and *Archibald Moore* Esq; hold 1500 acres, called *Tullavin*.

Upon this Proportion the Bawne and Towers are thoroughly finished, and now the Roof of the House is framed, ready to be set up. It standeth in a Place of great strength, the said *Archibald Moore*, with his Wife and Family, dwelling in it. He hath four *English* Families about him; the rest of the Land is inhabited with *Irish*.

XII. 750 acres.

Sir *Thomas Asb*, and *John Asb* have 750 acres, called *Drumsbeel*.

Upon this Proportion there is a Bawne of Clay and Stone, and another of Sodds, 120 Feet square; but all inhabited with *Irish*.

XIII. 1000 acres.

Mullmorie Mc. Phillip O-Reyley hath a thousand acres, called *Itterry-Outra*.

Upon this Proportion there is a very strong Bawne of Sodds, with four Flankers, and a deep Moate, a good *Irish* House within it; in which himself and Family dwelleth. He hath made no Estates.

XIV. 1000 acres.

Captain *Reley* hath a thousand Acres, called *Liscannor*.

K

Upon

Free-holders 5, viz.

- 2 having 96 acres le piece.
- 1 having 192 acres.
- 2 having 48 acres le piece.

Lessees for Years 17. viz.

- 3 having 96 acres le piece.
- 2 having 48 acres le piece.
- 1 having 72 acres
- 9 having 24 acres le piece.
- 2 having 33 acres le piece.

Total 53 Families,
consisting of 82 Men
very well armed.

Cottagers, 31.

Each having a House and two
Acres of Land, and Commons for
twelve Cattle a Piece.

XX. 2000 acres.

John Fish, Esq; hath two thousand Acres called *Dromany*. Upon this Proportion the Bawn and Castle is long since finished, being very Strong, and himself with his Wife and Family dwelling therein. He hath also built two Villages, consisting of ten Houses the Piece, which are built of Lime and Stone, and two good Inn-holders; for they stand upon a Road Way.

I find planted and estated on this Land of *Brittish* Families.

Free-holders 4, viz.

- 2 having 192 acres le piece.
- 1 having 144 acres.
- 1 having 130 acres.

Lessees for three lives 4, viz.

- 2 having 150 acres le piece.
- 1 having 120 acres.
- 1 having 144 acres.

Lessees

Lessees for Years 14.

- 4 having 92 acres le piece.
- 4 having 48 acres le piece.
- 2 having 24 acres le piece.
- 1 having 30 acres.
- 2 having 40 acres le peece.
- 1 having 20 acres.

Total twenty two Families, besides Cottagers, which are able to make sixty Men well armed.

Cottagers 14, viz.

Each of these have a House and Garden, and a Plott and Commons for four Heads of Cattle.

XXI. 1500 acres.

This is now in the Hands of Mr. *Adwick*.

Sir *Hugh Wirral* Knight holdeth one thousand five hundred Acres, called *Monaghan*. Upon this Proportion there is no Bawne, but he is building a House of Lime and Stone, which is but two Stories high, and so it hath been this two Years; and now he hath made it away to Mr. *Adwick*, who is in Possession.

I find planted and estated upon this Land of *Brittish* Families,

Free-holders, 3. viz.

- 2 having 96 acres le piece.
- 1 having 48 acres.

Lessees five, viz.

- 2 having 48 acres le piece.
- 1 having 72 acres.
- 2 having 24 acres le piece.

Cottagers I saw not any nor any Counterpan to make it appear; but they said, they have eight, whose Names they gave me.

These eight Families with the eight Cottagers are able to make twenty six Men; but for Arms I saw not any, neither is there any place to keep them in.

XXII. 2000 acres.

Sir *Stephen Butler* Kt. holdeth two thousand acres, called *Clonafa*.

PYNNAR's Survey of Ulster.

The Castle and Bawne is finished, being of great strength. He hath built two Corn Mills, and one fulling Mill. He is also able to arm two hundred Men with very good Arms, which are within his Castle, besides others, which are dispersed to his Tenants for their Safe-guard.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders fifteen, *viz.*

1 having 144 acres.
2 having 96 acres.
6 having 48 acres le piece.
6 having 24 acres le piece.

Leffees for three Lives, eleven, *viz.*

1 having 264 acres.
1 having 144 acres.
9 having 40 acres le piece.

Leffees for Years fifteen.

1 having 144 acres.
5 having 48 acres le piece.
6 having 24 acres le piece.
3 having 12 acres le piece.

Total 41 Families,
besides under Tenants,
which are able to make
139 Men armed.

XXIII. 384 acres.

Sir *Steven Butler*, and the Undertakers of the Precinct, are to plant a Town at *Belturbet*, and for that there is allowed 384 acres of Land, and to build a Church.

In this Town there are Houses built of Cage-Work, all inhabited with *Brittish* Tenants, and most of these are Tradesmen; each of these having a House and Garden Plott, with four acres of Land, and Commons for certain numbers of Cows and Garrons.

XXIV.

Reinald Horne was the First Patentee.

Sir *George Manneringe* Kt. hath two thousand acres, called *Lisreagh*.

Upon

PYNAR's Survey of Ulster.

151

Upon this there is built a Bawn of Lime and Stone forty four Feet long, twelve Feet high, with two Flankers; also a Brick House of the same length, and twenty Feet high, all of very good work and strong. There is also a small Village consisting of seven Houses, all which are inhabited with *English* Families.

I find planted and estated with *Brittish* Families upon the Land.

Free-holders, 3, viz.

1 having 144 acres.

2 having 192 acres.

Leasees for Years 21, viz.

4 having 48 acres le piece.

1 having 51½ acres.

8 having 24 acres le piece.

4 having 48 acres le piece.

3 having 20 acres le piece.

1 having 30 acres.

Total 24 Families, besides Undertenants, being able to make 48 Men, as they said, but I did not see them.

XXV. 1500 acres.

William Snow was the first Patentee.

Peter Ameas, Esq; hath 1500 acres, called *Tonagh*.

Upon this Proportion there is a good Bawne of Lyme and Stone 75 Feet square, 12 feet high, with two Flankers, a Stone House within it sixty Feet long, and three Stories high, strongly built, and a small Village not far from it, consisting of seven Houses.

There is planted and estated upon this Proportion of *Brittish* Families.

Free-holders 4, viz.

3 having 480 acres jointly.

1 having 48 acres.

Leasees for Years 7, viz.

3 having 96 acres le piece.

1 having 96 acres.

1 having 68 acres.

2 having 96 acres le piece.

Total eleven Families, besides divers Undertenants, which are able to make thirty Men.

The Precinct of *Clonemahown*, allotted to Servitors and Natives.

XXVI. 2000 acres.

The Lord *Lambert* hath 2000 acres called the *Carig*.

Upon this there is a large strong Bawne, and a Stone House, which is finished long since, being inhabited with an *English* Gentleman, who is there resident with his Family.

XXVII. 1000 acres.

Captain *Lyons* and *Joseph Jones* were 1st. Patentees.

The Lord *Lambert* hath a thousand acres called *Tullacullen*.

Here is built a Bawne of Lime and Stone two hundred Feet square, fourteen Feet high, and a deep Moate about it, hath two Flankers. There is also a small House, in which there dwells an *English* Gentleman with his Family, having three other *English* Families about the Bawne, which hold Land for twenty one Years a piece.

XXVIII. 1000 acres.

Lieutenant *Atkinson* and Lieut. *Russel* were first Patentees.

Archibald Moore hath 1000 acres.

Upon this there is a strong Bawne of Sodds, with two Flankers, in which there is an *Irish* House, and one dwelling in it.

XXIX. 500 acres.

Captain *Fleming* hath 500 acres.

Upon this he hath built a small Bawne, and a House, all of Lime and Stone, very strong.

NATIVES.

N A T I V E S.

XXX. 2000 acres.

Mullmory Mc. Hugh O-Reley hath 2000 acres called *Commet.*

Here is a strong House of Lime and Stone, forty Feet long, twenty Feet broad, and three Stories high, and a Bawne about it of Sodds. He hath made no Estates.

XXXI. 300 acres.

Phillip Mc. Tirlagh hath 300 acres, called *Wateragh.*

Here is a Bawne of Sodds, and an *Irish* House within it, in which he is now dwelling.

The Precinct of *Tullaghconche.*

XXXII. 2000 acres.

Sir Alexander Hamilton, the first Patentee.

Jane Hamilton, late Wife to *Claude Hamilton* deceased, hath 2000 acres, called *Carotobber* and *Clonkine.*

Upon this Proportion there is a strong Castle and a Bawne of Lime and Stone thoroughly finished, her self with her Family dwelling therein.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders six; viz.

- 1 having 288 acres.
- 1 having 144 acres.
- 1 having 96 acres.
- 3 having 48 acres le piece.

Lessees twenty five, viz.

- 2 having 144 acres le piece.
- 3 having 96 acres.
- 14 having 48 acres le piece.
- 4 having 96 acres le piece.
- 2 having 24 acres le piece.

Total, these thirty one Families with divers under-Tenants will make fifty two Men.

Fourteen of the Heads of these Families have now taken the Oath of Supremacy.

XXXIII.

XXXIII. 1000 acres.

Sir *Claude Hamilton* was first Patentee.

The said *Jane Hamilton* hath 1000 acres, called *Clomny*.

Here is no Castle built; but there is a Town consisting of twenty two Houses; but the Inhabitants have no Estates as yet; for she alledged, she cannot make them any, her Son being under Age; but hereafter they shall; and in the mean time there is ten of the principal of these have taken the Oath of Supremacy.

Each of these have a House and Garden Plot, with four acres of Land and Commons for some Cows.

XXXIV. 2000 acres.

Alexander and *John Agbmootie*, were the first Patentees.

Sir *James Craigg* Knight hath two thousand Acres called *Drumbeda* and *Kilagh*.

Upon this Proportion there is built a strong Bawn of Lime and Stone, seventy five Feet square, sixteen Feet high, with four round Towers to flank the Walls. He hath also a strong and large Castle of the length of the Bawne, twenty Feet broad within the Walls, and five Stories high. There is another House in building within the Bawne, which is now built to the top of the Wall, and shall be a Plat-Form for two small Pieces.

I find planted and estated upon this Land of *Brittish* Tenants, which are resident,

Free-Holders five, viz.

- 1 having 96 acres.
- 3 having 48 acres le piece.
- 1 having 24 acres.

Lessees seven, viz.

- 1 having 168 acres
- 3 having 48 acres le piece.
- 3 having 24 acres le piece.

Total these thirty three Families are resident upon the Land, and are able to make one hundred Men.

Cottagers

Cottages 21, viz.

Each of these have a House
and Backside, with Com-
mons for greasing of Cows.

XXXV. 1000 acres.

John Browne, was the first Patentee.

Archibald Atcheson Esq; hath a thousand acres called *Car-
rowdownan*.

Upon this Proportion there is a Bawne of Stone and
Clay, being one hundred Feet square, with four Flankers,
and nine Feet high, standing on a Mountain. Here is
planted upon this Land both *English* and *Scottish*; but they
have not taken out their Leases, which I saw drawn and
signed, and so many Tenants were named.

Freeholders, two, viz.

1 having 144 acres.

1 having 120 acres.

Leasees for Years 19, viz.

4 having 50 acres le piece.

2 having 48 acres jointly.

5 having 30 acres le piece.

3 having 36 acres le piece.

2 having 48 acres jointly.

3 having 48 acres le piece.

Total twenty one Families,
consisting of twenty-eight
Men.

Eight of these Tenants have
taken the Oath of Supre-
macy. The rest refused, till
they have taken out their
Leases.

The Precinct of *Tullagha*.

XXXVI. 1500 acres.

Captain Culme and *Walter Talbot* have 1500 acres called
Balleconnel.

Upon this Proportion there is built a strong Bawne one
hundred Feet square, twelve Feet high, with two Flan-
kers, and within the Bawne a strong Castle of Lyme and
Stone three Stories high: This standeth in a very good
and

and convenient place for the strength and service of the Countrey.

XXXVII. 2000 acres.

Sir Richard and Sir George Grimes have two thousand acres.

Upon this there is built a Bawne of Stone and Lime sixty Feet square, and ten Feet high, with a little House in it.

XXXVIII. 1000 acres.

William Parsons, Esq; hath 1000 acres, called *Lurga*.

It is between divers Men; for it was granted for Concealments, and they were not bound to build at all.

XXXIX. 1000 acres.

Magauran, a Native, hath 1000 acres.

And upon this he hath built a strong and good House of Lime and Stone, with a Ditch cut up about it.

County of FERMANAGH.

The Precinct of *Knockniny*, allotted to *Scottish* Undertakers.

XL. 3000 acres.

The Lord *Burleigh* was first Patentee.

Sir *James Belford* Knight hath a thousand acres called *Carowsee*, alias *Belford*, and two thousand acres in a remote place, and out of all good way: He hath begun his building at *Castle-Sheagh*, and hath laid the Foundation of a Bawne of Lime and Stone seventy Feet square, of which the two sides are raised fifteen Feet high. There is also a Castle of the same length, of the which the one half is built two Stories high, and is to be three Stories and an half high. There are great numbers of Men at Work, which are bound to finish it speedily; and all Materials I saw in the place. This is both strong and beautiful.

There is also a Plot laid out for a Church, which must be seventy five Feet long, and twenty four Feet broad, all which is now in Hand, and promised to be finished this Summer.

There is also a School, which is now sixty four Feet long, twenty Feet broad, and two Stories high. This is of good Stone and Lime strongly built, the Roof is ready framed, and shall presently be set up.

Near this Castle there is a House, in which Sir *James* and his Family are now dwelling; and adjoining to this there is a Town, consisting of forty Houses of Timber Work, and Mud-wall. All these are inhabited with *British* Tenants, and is the only Thorough-fare into the Country.

I find

PYNNAR's Survey of Ulster.

I find planted in these two Proportions eighty two Men armed, which I saw; but not any of these have any Estates as yet, as they told me, or at leastwise they did not shew me any.

XLII. 1000 Acres.

The Lady *Kinkell* was the first Patentee.

Mr. *Adwick* hath 1000 acres called *Agbalane*.

Upon this there is a Bawne of Clay and Stone rough cast over with Lyme, fifty Feet square, and twelve Feet high, with two Flankers. It hath a poor thatched House within.

I find planted upon this Proportion of *Brittish* Tenants ten, but I saw no Estates more than by Promise, which are here named.

Freeholders, six, viz.

1 having 180 acres.

1 having 60 acres.

4 having 120 acres jointly.

Lessees four, viz.

2 having 60 acres le piece.

1 having 30 acres.

1 having 40 acres.

These ten Families are all that I can hear of; the rest are *Irisb*.

XLIII. 1000 acres.

James Traile was the first Patentee.

Mr. *Adwick* hath a thousand acres, called *Driftiernan*.

Upon this Proportion there is a Bawne begun of Stone being sixty Feet square, with two Flankers, but is not as yet above five Feet from the Ground. He hath no *Englisb* Tenants, but all the Land is inhabited with *Irisb*.

XLIII. 1500 acres.

The Lord *Mountwhany* the first Patentee.

Sir *Steven Butler* hath fifteen hundred acres, called *Kilspenan*.

Upon

Upon this Proportion there is a Bawn of Lyme and Stone, being sixty Feet square, twelve Feet high, with two Flankers. Within the Bawne there is a House of Lyme and Stone.

I find planted and estated upon this Land of *Brittish* Tenants.

| | |
|------------------------------|--|
| Lessees for Years 12, viz. | } Total these twelve Families, consisting of fifteen Men, do dwell dispersedly here; not one Freeholder, but many <i>Irish</i> . |
| 1 having 180 acres. | |
| 3 having 120 acres le piece. | |
| 1 having 140 acres. | |
| 1 having 90 acres. | |
| 6 having 60 acres le piece. | |

XLIV. 1500 acres.

Sir *John Whisber* was the first Patentee.

Sir *Steven Butler* Kt. hath one thousand five hundred acres, called *Leytrim*.

Upon this Proportion there is a Bawne of Lyme and Stone, seventy Feet square, twelve Feet high, with two Flankers, which are three Stories high; there is also a good Stone House in building, which is but as yet above the first Storie.

Upon this Land I find planted and estated of *Brittish* Nation.

| | |
|--------------------------------------|---|
| Lessees for Years, seventeen viz. | } Each of these have a House and 10 acres, and dwell most of them in a Town joining to the Bawne. Eight of these have taken the Oath of Supremacy. These are able to make 66 Men with Arms. |
| 3 having 240 acres le piece. | |
| 3 having 120 acres le piece. | |
| 1 having 90 acres. | |
| 6 having 60 acres le piece. | |
| 1 having 30 acres le piece. | |
| 1 having 10 acres. | |

XLV. 1000 acres.

George Smelbome was the first Patentee.

Sir *Steven Butler* hath a thousand acres, called *Der-ryanye*.

Upon

Upon this Proportion there is a small Bawne of Clay and Stone sixty Feet square, with two Flankers, and a little House within it of the same Materials.

I find planted and estated upon this Land of *Brittish* Nation.

| | |
|---------------------------|--|
| Lessees for Years 3, viz. | } Total 3 Families, besides under Tenants, being able to make 15 Men. Here are many <i>Irish</i> on this Land: |
| 1 having 500 acres. | |
| 1 having 250 acres. | |
| 1 having 60 acres. | |

The Precinct of *Clancally*, appointed for *English* Undertakers.

XLVII. 1000 acres.

John Sedborrow hath a thousand acres called *Lutgar*.

Upon this Proportion there is a most poor Bawne of Sodds, being of a round form, and much of it is fallen down. There is no body dwelling in it. I saw it a Pound for Cattle.

I find planted and estated upon this Land of *Brittish* Birth.

| | |
|---------------------------------|---|
| 1 having 420 acres. | } There are twelve others whose Estates I saw not, and therefore can say nothing of them. For many of these do dwell in another Country. Of these 18 Families there is but one that took the Oath of Supremacy; they are able to make 24 Men. |
| 1 having 240 acres. | |
| 1 having 240 acres. | |
| 3 having 60 acres le piecea. | |

XLVII. 1000 acres.

Thomas Flowerdew hath 1000 acres called *Lifrisk*.

Upon this Proportion there is a large round Bawne of Lyme and Stone, and a little House of Stone within it. There is a small Village joining to the Bawne, containing six Houses, inhabited with *English*, all of Cage-Work.

I find

I find planted and estated upon this Land of *Brittish Families*.

Freeholders two, viz.

- 1 having 180 acres.
- 1 having 60 acres.

Lessees for Years, 14, viz.

- 1 having 90 acres.
- 3 having 60 acres le piece.
- 2 having 60 acres jointly.
- 2 having 40 acres jointly.
- 5 having 30 acres le piece.
- 1 having 20 acres.

Total, these 16 Families are now resident on the land; and nine of these have taken the Oath of Supremacy, and are able to make, with their under Tenants, 40 Men.

XLVIII. 1000 acres.

Robert Boges was the first Patentee.

Edward Hatton hath 1000 acres called *Clancarne*.

Upon this Proportion there is an excellent strong House and Bawne all of Lyme and Stone, and well seated for the King's Service, and strength of the County. He hath a Water-Mill for Corn by his House, and within half a Mile he hath built four very good Timber Houses, and six more are in building. This Town standeth on the common Road in the Country. Himself is a Minister, and a good Teacher of the Word of God.

I find planted and estated on this Land of *Brittish Birth*.

Freeholders 2, viz.

- 1 having 120 acres.
- 1 having 130 acres.

Lessees 5, viz.

- 1 having 240 acres.
- 4 having 60 acres.

Cottagers, 8, viz.

Each of these have a House and Garden Plat, and four acres of Land.

There are but two of these that have taken the Oath of Supremacy.

I find not above twenty Men in all, and these are well armed.

PYNNAR's Survey of Ulster

XLIX. 1000 acres.

Thomas Plomstead was the first Patentee.

Sir *Hugh Wirrall*, Kt. hath a thousand acres, called *Ardmagh*.

Upon this Proportion there is a Bawn of Lyme and Stone sixty six feet square, with two Flankers, and a little Stone House or Tower within it standing waste. He hath no Freeholder nor Leaseholder, and but three poor Men on the Land, which have no Estates; for all the Land at this time is inhabited with *Irish*.

L. 1000 acres.

Robert Calvert was first Patentee.

George Ridgewaie hath a thousand acres, called *Gutgoonan*.

Upon this there is now a Bawne of Lyme and Stone in Building, which is sixty feet square, and not above eight feet high. His Tenants do dwell dispersedly.

I find planted and estated on this Land of *Brittish* Tenants.

Free-holders, 1, viz.

1 having 100 acres.

Lessees for Years, 7, viz.

1 having 480 acres.

3 having 240 acres jointly.

1 having 160 acres.

1 having 120 acres.

1 having 60 acres.

Total eight Families, which are able to make twelve Men with Arms. Here are many *Irish*.

The Precinct of *Clinawly* allotted to Servitors and Natives.

LI. 1500 acres.

Sir *John Davis* Knight, hath one thousand five hundred Acres, called *Lisgoweley*.

Upon

Upon the Abby Lands there is built a fair Stone House, but no Bawne, and on this Proportion there is not any thing Built.

LII. 500 acres.

Mrs. *Harrison*, late Wife to Captain *Harrison* deceased, upon her five hundred Acres called *Gurtin* hath built nothing at all.

LIII. 300 acres.

Pierce Moflion hath three hundred Acres called *Moycrane*. Here also is nothing built, and himself dwelleth in *Con-naught*.

The Precinct of *Lurge* and *Coolemacker-nan* appointed to *Englisb* Undertakers.

LIV. 1000 acres.

Thomas Barton was 1st. patentee.

Sir *Gerard Lowther* Knight, hath two small Proportions, the one called *Drumynshin*, and the other *Necarn*.

Upon *Drumynshin* there is a good Bawne of Clay and Stone, rough cast over with Lime, sixty Feet Square, with two Flankers, but no House in it.

I find planted and estated on this Land of *Brittish* Birth and Descent.

Free-holders, 5, viz.

- 1 having 120 acres.
- 1 having 200 acres.
- 3 having 46 acres le piece.

Three of these have taken the Oath of Supremacy.

Lease-holders, 1.

- 1 having 60 acres.

LV. 1000 acres.

Harrington Sutton first Patentee.

Sir *Gerard Lowther* hath upon *Necarn* a strong Bawnd of Lime and Stone, and a House in it, and near unto the

PYNNAR's Survey of Ulster.

Bawne there is a Village consisting of ten Houses, and a Market House, also a Water Mill.

I find planted and estated upon the Land of *Brittish* Families.

Free-holders, 2, viz.

1 having 120 acres.

1 having 90 acres.

Lessees for Years, 12, viz.

1 having 73 acres.

2 having 40 acres jointly.

1 having 60 acres.

6 having 20 acres le peece.

1 having 18 acres.

1 having 4 acres.

In both these Proportions there are sixteen *Brittish* Families, besides Undertenants, the which are able to make twenty eight Men with Arms. Nine of these have taken the Oath of Supremacy.

LVI. 1000 acres.

John Archdale Esq; hath one thousand acres called *Tullana*.

Upon this Proportion there is a Bawne of Lime and Stone, with three Flankers fifteen feet high; in each Corner there is a good Lodging slated, with a House in the Bawne of eighty Feet long, and three Stories high, with a Battlement about it; himself with his Family are there Resident. He hath also a Water Mill, and in two several Places of his Land he hath made two Villages, consisting of eight Houses a piece.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 6, viz.

1 having 200 acres.

1 having 120 acres.

2 having 40 acres le peece.

2 having 30 acres le peece.

Lessees

Lessees for Years 10, viz.
 4 having 240 acres jointly.
 2 having 30 acres le peece.
 1 having 60 acres.
 1 having 20 acres.
 1 having 40 acres.
 1 having 15 acres.

And these twenty are
 able to make forty two
 Men, and seven of these
 have taken the Oath of
 Supremacy.

Cottagers 4, viz.
 These having each of them
 a House, and one Acre of
 Land.

LVII. 1000 acres.

Thomas Flowerdew hath one thousand Acres called *Rose-
 guire*.

Upon this Proportion there is nothing at all Built. He
 hath two Gentlemen that he hath placed, as he thought,
 upon his Land; but it proveth to be Gleabe Land, and
 this is the Reason he hath not any *English*; but all the
 rest of the Land is inhabited with *Irish*, which is a great
 Number.

LVIII. 1000 acres.

Henry Hunings the first Patentee.

Edward Sibthorp and *Henry Flower*, Esqrs; have one
 thousand acres called *Dowrosse*.

Upon this Proportion there is built a Bawne of Lime
 and Stone, sixty Feet Square, with two Flankers; there
 is no House in it; but it standeth Waste, and is now a
 Pound for Cattle. Near to this Bawne there is built a Vil-
 lage, in which there are fourteen Houses inhabited with
English Families; but I saw not their Estates; for the
 Undertakers were out of the Country, and none to bring
 them together. All that I could see was

1 having 60 acres.
 1 having 60 acres.

LIX. 1500 acres.

Thomas Blenerbasset hath one thousand five hundred Acres called *Edernagh*.

Upon this Proportion there is a Bawne of Lime and Stone, the length is seventy five Feet, and the breadth is forty seven Feet, and twelve Feet high, having four Flankers. Within this Bawne there is a House of the length thereof, and twenty Feet broad, two Stories and a half high, his Wife and his Family dwelling therein. He hath begun a Church. He hath also a small Village consisting of six Houses built of Cagework, inhabited with *English*.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders 4, viz.

- 2 having 80 acres.
- 1 having 46 acres.
- 1 having 22 acres.
- 1 having 60 acres.

Lessees for Years 3, viz.

- 1 having 16 acres.
- 1 having 26 acres.
- 1 having 8 acres.

Total seven Families, who with their Undertenants can make, as I am informed, twenty six Men; but I saw them not; for the Undertakers, and many of the Tenants, were Absent.

LX. 1000 acres.

This was *John Tburstons* at the first.

Sir Edward Blenerbasset, and *Thomas Blenerbasset* have one thousand Acres called *Talmackein*.

Upon this Proportion there is nothing at all built, and all the Land inhabited with *Irish*.

LXI. 1500 acres.

Francis Blenerbasset, Son to *Sir Edward Blenerbasset*, hath one thousand five hundred Acres called *Bannaghmore*.

Upon this Proportion there is a strong Bawne of Lime and Stone, being eighty Feet long, and sixty Feet broad, and a Stone House three Stories high, all finished, himself and Family dwelling in it. He hath also built a Village near

near unto the Bawne, consisting of nine Houses of good Cage Work.

I find planted and estated upon this Land of *British* Families.

Freeholders 4, viz.

- 1 having 120 acres and a Tenement.
- 1 having 120 acres.
- 1 having 60 acres.
- 1 having 50 acres.

There are divers other Leaseholders which I saw not; for the Undertaker was in *England*, and I came suddenly upon them. But by a jury I found the Land to have twenty two *British* Families upon it, which with their Undertakers were able to make forty Men, and Store of Armes in his House, and I saw not one *Irish* Family upon all the Land.

The Precinct of *Coole* and *Tircanadua* allotted to Servitors and Natives.

LXII. 1000 Acres.

Sir *William Cole* hath one thousand Acres called *Cornegrade*.

Upon this Proportion there is a Bawne of Lime and Stone, sixty eight Feet long, fifty six broad, and twelve Feet high, with two Flankers.

I find planted and estated on this Land.

- Leasees for three lives 7, viz.
- 3 having 60 acres le piece.
- 4 having 30 acres le piece.

These have all taken the Oath of Supremacy, and are able to make eighteen Men armed; and he hath a good Water Mill.

LXIII. 1500 acres.

Sir *Henry Folliot* Knight hath one thousand five hundred Acres called *Newporten*.

L 4

Upon

PYNNAR's Survey of Ulster.

Upon this Proportion there is a strong Bawne of Lime and Stone, one hundred and fifty Feet long, one hundred and twenty Feet wide, and twelve Feet high, with three Flankers; within the Bawne there is a strong House of Lime and Stone three Stories high, himself with his Lady and Family dwelling in it. Near unto this Bawne he hath made a Town consisting of eleven Houses, all inhabited with *Scottish* and *English* Families. He hath also a Water Mill for Corn.

LXIV. 1000 acres.

Captain *Paul Gore* hath one thousand Acres, called *Garick*.

Upon this Proportion there is a Bawne of Lime and Stone, with a House in it inhabited by an *English* Gentleman. He hath on this Land eight *English* Families.

LXV. 1000 acres.

Captain *Roger Atkinson* hath one thousand Acres called *Coole*.

Upon this Proportion there is a strong Bawne of Lime and Stone sixty Feet Square, with three Flankers. He hath a strong Stone House, in which his Wife, with his Family dwelleth. He hath two Freeholders all resident on the Land. Here are two Water-mills, one for Corn, and another a Tucking-Mill.

LXVI. 1500 acres.

Con' *Mac-Shane O-Neale* hath fifteen hundred Acres, called *Glabby*.

Upon this Proportion he hath made a little Bawne of Sods, and a House within it of Lime and Stone, very strongly built. He hath made three Lease-holders, which have each of them sixty Acres for twenty one Years; but all his Tenants do Plough after the *Irish* Manner.

LXVII.

LXVII. 2000 acres.

Brian Maguire hath two thousand Acres called *Tempo-deffell*; and five hundred Acres, which were his Brother's lately deceased.

Upon this Proportion there is a large Bawne of Sodds, and a good House of Lime and Stone. He hath made five Lease-holders, which have each of them sixty Acres for twenty one Years, and all his Tenants do Plough after the *Irish* Manner.

The Precinct of *Magheriboy*, allotted to *Scottish* Undertakers.

LXVIII. 1000 acres.

Jeremy Lynsey was 1st. Patentee.

Sir William Cole Knight hath one thousand Acres called *Dromskeagh*.

Upon this Proportion there is a Bawne of Lime and Stone sixty eight Feet Square; thirteen Feet high, with four Flankers, and a Stone House or Castle three Stories high, strongly wrought. He hath also an excellent Wind Mill.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 2, viz.

2 having 120 acres le piece.

Leasees for years 11, viz.

1 having 120 acres.

2 having 90 acres jointly.

7 having 60 acres le piece.

1 having a Tenement at will.

These thirteen Families have all taken the Oath of Supremacy, and have eleven Tenants under them, being able to make thirty four Men.

LXIX.

LXIX. 1500 acres.

Sir Robert Hamilton was the 1st. Patentee.

Malcolme Hamilton hath one thousand five hundred Acres called *Derrinefogher*.

Upon this Proportion there is a strong Castle of Lime and Stone, being fifty four Feet long, and twenty Feet broad; but hath no Bawne unto it, nor any other Defence for the succouring or relieving his Tenants.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Free-Holders 3, viz.

- 1 having 384 acres.
- 1 having 120 acres.
- 1 having 60 acres.

Lessees 11, viz.

- 3 having 180 acres jointly.
- 3 having 120 acres le piece.
- 2 having 40 acres le piece.
- 2 having 80 acres le piece.
- 1 having 20 acres.

Of all these fourteen Tenants there are seven of them have taken the Oath of Supremacy; and these have divers Undertenants under them, all which are able to make seventy seven Men with reasonable Arms. There is good Store of Tillage, and not an *Irish* Family on all the Land.

LXX. 1000 acres.

James Gill was the first Patentee.

John Archdale Esq; hath one thousand acres, called *Drumragh*.

Upon this Proportion there is a Bawne of Lime and Stone sixty Feet Square, twelve Feet high, with two Flankers, and a House now in building, it being about the first Story.

I find planted and estated upon this Land of *Brittish* Families.

Free-

Free-Holders 6, viz.

- 1 having 140 acres.
- 1 having 120 acres.
- 1 having 100 acres.
- 2 having 40 acres le piece.
- 1 having 4 acres and a Tenement.

Lessees for Years 5, viz.

- 1 having 120 acres.
- 1 having 140 acres.
- 1 having 80 acres.
- 1 having 20 acres.
- 1 having 40 acres.

Cottagers 3, viz.

Each of these have a Tenement and four Acres a Piece, for Commons for Cows.

Total fourteen Families, all resident on the Land, who have taken the Oath of Supremacy, being able to make twenty six Men armed. Here is some Tillage.

LXXI. 1000 acres.

Alexander Humes was the first Patentee.

George Humes hath one thousand Acres, called *Dromcofe*.

Upon this there is a Bawne of eighty Feet Square of Lime and Stone, twelve Feet high. There is no House in it. I found but very few to appear before me; for the Undertaker was out of the Country; but the Land was well planted with *Brittish* Families, and good store of Tillage, and not any *Irish* Family that I could learn of. But I saw

Lessees for Life three, viz.

- 1 having 300 acres.
- 2 having 60 acres jointly;

These have taken the Oath of Supremacy, and as I am informed, the rest of the Tenants have no Estates but Promises.

LXXII. 1500 acres.

William Fuller was 1st Patentee.

Sir John Humes hath 1500 acres, called *Moyglassfe*.

Upon this Proportion there is nothing built.

I find

I find planted on this Land of *Brittish* Families a good Number of Men; but they have no Estates but by Promise from one Year to another, *viz.*

| | |
|--|---|
| Freeholders three <i>viz.</i> | } These 15 have Tenants under them, and are said to be able to make 30 Men. There is good store of Tillage, and no <i>Irish</i> Families thereon, as I am informed. |
| 3 having been nominated for Freeholders, but not resident. | |
| Leasees twelve, <i>viz.</i> | |
| 2 having 120 acres le piece. | |
| 1 having 90 acres. | } |
| 9 having 60 acres le piece. | |

LXXIII. 1000 acres.

John Dunbarr Esq; hath 1000 acres called *Drumcro*.

Upon this Proportion there is a Bawne of Lyme and Stone eighty feet long, 45 feet broad, and fourteen feet high; and two Water Mills; himself with his Wife and Family remaining on the Land.

I find planted upon this Land of *Brittish* Birth.

| | |
|------------------------------|--|
| Freeholders 2, <i>viz.</i> | } These nine Families have divers under Tenants; but all these nine, save one, are estated but by Promise; and are able to make sixty Men with Arms. Here I saw Ploughs going. I saw not one <i>Irish</i> Family on this Land. |
| 2 having 120 acres le piece. | |
| Leasees 7, <i>viz.</i> | |
| 1 having 180 acres. | |
| 3 having 120 acres. | } |
| 3 having 160 acres le piece. | |

LXXIV. 2000 acres.

Sir John Humes hath 2000 acres called *Carrynrroe*.

Upon this Proportion there is a Bawne of Lyme and Stone an hundred Feet square fourteen Feet high, having four Flankers for the Defence. There is also a fair strong Castle fifty feet long, and twenty one feet broad. He hath made a Village near unto the Bawne, in which is dwelling twenty four families.

I find

I find planted and estated on this Land of *Brittish* Natives.

Free-holders 4, viz.

- 2 having 120 acres le piece.
- 2 having 100 acres le piece.

Leffees for Years 9, viz.

- 1 having 240 acres.
- 1 having 120 acres.
- 6 having 60 acres le piece.
- 1 having 40 acres.

Cottagers, 11.

- 1 having 30 acres.
- 2 having 6 acres le piece.
- 1 having 5 acres.
- 2 having 4 acres le piece.
- 1 having 3 acres.
- 4 having 2 acres le piece.

Total twenty four Families, are all resident on the Land, and most of them have taken the Oath of Supremacy, being able to make thirty Men with Arms.

County

County of DONAGALL.

The Precinct of *Boilagh* and *Banagh*,
allotted to *Scottish* Undertakers.

LXXV. 10000 acres.

John Murrey Esq; hath all *Boilagh*, and *Banagh* being ten thousand acres, planted as followeth.

LXXVI. 2000 acres.

The Lady *Brombe* was the 1st Patentee.

Captain *Thomas Dutton* hath 2000 acres, called the *Roffes*. He but newly came unto it, and hath not his Assurance from Mr. *Murrey*.

Upon this Proportion there is a Bawne and a small Castle built long since, being of Lyme and Stone, himself with Wife and Family dwelling in it; he hath six *English* Families, but they do but little as yet, till they have Estates.

LXXVII. 1000 acres.

Sir *Patrick Mc. Ke* was first Patentee.

John Murrey Esq; hath 1000 acres called *Cargie*.

Upon this Proportion there is a Bawne of Clay and Stone rough cast with Lyme, being sixty Feet square, and twelve Feet high, and built upon a Rock.

I find divers planted on this Land; but there is not one Freeholder, and they who are upon the Land have no Estates, but Mynnets, being in number twenty three Families, and are able to make forty Men, all of *Brittish* Birth; but these do dwell dispersedly in the Country.

LXXVIII.

LXXVIII. 1000 acres.

Patrick Vaus was the first Patentee.

John Murrie hath 1000 acres called *Boilagb-outra*.

This is sett to *William Hamilton* Gentleman, and some others.

Upon this Proportion there is a Bawne of Lyme and Stone, being seventy Feet square, twelve Feet high, with two Flankers; it hath in it a Castle very strong; there are not any Freeholders; there are twenty eight Families of *Brittish* Nation, as I am informed by some of the Country, that are able to make fifty Men with Arms; but these hold their Land but by Promise; I saw but very few of them; for they dwelt far asunder, and had no time to come unto me.

LXXIX. 1500 acres.

William Stewart the first Patentee.

John Murrey Esq; hath 1500 acres, called *Dunconally*.

James Toodie and others have taken this for certain Years. There is on this Land a Bawne of Lyme and Stone, and a Castle which is now inhabited.

I find planted upon this Land of *Brittish* Families

| | |
|--|---|
| <p>Lessees eleven, viz,</p> <p>1 having 200 acres.</p> <p>2 having 100 acres jointly.</p> <p>5 having 200 acres jointly.</p> <p>3 having 120 acres le piece.</p> | <p>I am informed by the Country, that there are 30 Families upon this Land, being able to make forty Men with Arms; but I saw but ten that had any Estates.</p> |
|--|---|

LXXX. 1000 acres.

Alexander Dunbar 1st Patentee.

John Murrey Esq; hath 1000 acres called *Kilkeran*, the which are set to *Rowland Cogwell* and others for fifteen Years.

Upon this there is a Bawne and a Castle of Lime and Stone, being inhabited with a *Scottish* Gentleman. There is not one Freeholder, and but two Leaseholders that could

PYNNAR's Survey of Ulster.

could shew any Assurance; the one hath a Lease for fifteen Years, and the other for five, and these have under them ten *Brittish* Familles. There are many *Irish*.

LXXXI. 1000 acres.

The Lady *Broughton* first Patentee.

John Murrey Esq; hath a thousand acres called *Ballagh-eightra*.

Upon this Proportion there is nothing at all built, and all the Land is inhabited with *Irish*.

LXXXII. 1000 acres.

Alexander Cunningham holdeth a thousand acres, called *Moynagan*, from the aforesaid *John Murrey* Esq;

Upon this there is a good strong Bawne of Lime and Stone, with two Flankers. It hath very few *Brittish* Tenants, but a great many of the *Irish*, which dwell upon the Land.

LXXXIII. 1000 acres.

James Mc. Cullogh holdeth a thousand acres called *Mullagbuegh*.

Upon this there is neither Bawne nor Castle and very few *Brittish* on the Land; for the most thereof is inhabited with *Irish*.

The Precinct of *Portlough*, appointed to *Scottish* Undertakers.

LXXXIV. 1000 acres.

John Cunningham Gentleman hath a thousand acres called *Donboy*.

Upon this there is a Bawne of Lyme and Stone seventy Feet square, fourteen Feet high, with two Flankers, which be three Stories high; and in them good Lodgings, and a good House in the Bawne, in which himself, with his Wife, dwelleth. Near adjoining to the Bawne he hath built

built a Town consisting of twenty six Houses, and a good Water-Mill, all which is inhabited with *Brittish* Tenants.

I find planted and estated upon this land of *Brittish* Families.

Freeholders two, viz.

- 1 having 120 acres.
- 1 having 100 acres.

Leesees for years 12, viz.

- 2 having 130 acres le piece.
- 4 having 90 acres le piece.
- 1 having 48 acres.
- 2 having 50 acres le piece.
- 3 having 100 acres le piece.

Of these fourteen Families most have taken the Oath of Supremacy; and they are able to make with their under Tenants fifty armed Men. Here is great store of Tillage, and not one *Irish* Family on all the Land.

LXXXV. 1000 acres.

James Cunningham hath a thousand acres, called *Moyegb*.

Upon this there is a Bawne of Lime and Stone sixty Feet square, with two Flankers: The Walls are fourteen Feet high. Within the Bawne there is a good Stone House three Stories high, himself and his Family dwelling therein.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders 2, viz.

- 1 having 200 acres.
- 1 having 66 acres.

Lessee for years 6, viz.

- 2 having 100 acres le piece.
- 2 having 200 acres le piece.
- 2 having 240 acres jointly.

Total twenty three Families, who with their under Tenants are able to make forty two men armed. He hath good store of Tillage, and I saw not one *Irish* Family on all the Land.

Cottagers fifteen, viz.

Each of these have a House and Garden Plott, and 6 acres, besides Commons for Cows.

M

LXXXVI.

LXXXVI. 2000 acres.

Sir *James Cunningham* hath 2000 acres, called *Decast-rose* and *Portlogb*.

Upon this Proportion there is no more built than there was three Years past; which was a little Bawne of Lyme and Stone, and a small House in it, in which the Lady and her Daughters do now dwell; but near to the Bawne there is a small Village consisting of twelve Houses, inhabited with *Brittish* Tenants. There is good store of Tillage, and no *Irish* that I saw, and as I am informed forty able Men.

LXXXVII. 1000 acres.

Sir *James Cunningham* must answer for this.

Cuthbert Cunningham hath a thousand acres called *Dromagb* alias *Coole Mc. Treene*.

Upon this Proportion there is nothing built by him; but the Tenants do build after their manner, and it is peopled sufficiently; the said Sir *James* must build and answer for both the Proportions, and therefore I have put them both together; for otherwise they cannot be distinguished.

I find planted and estated upon both these Proportions of *Brittish* Birth and Descent.

Freeholders six, viz.

- 3 having 200 acres le piece.
- 1 having 140 acres.
- 1 having 120 acres.
- 1 having 100 acres.

Lessees for Years nine, viz.

- 2 having 200 acres le piece.
- 2 having 200 acres jointly.
- 3 having 100 acres le piece.
- 2 having 360 acres jointly.

Total 30 Families, who, with their under Tenants are able to make eighty Men, whereof five have taken the Oath of Supremacy.

Cottagers fifteen, viz.

Each have a Tenement, with a Backside, with some Commons for Cattle.

LXXXVIII.

LXXXVIII. 1000 acres.

William Stewart, Laird of Dunduff, hath one thousand acres, called *Coolelaghie*.

Upon this Proportion there is a Bawne of Clay and Stone, seventy Feet square, with two Flankers, being three Stories high, with necessary Lodgings in them; but they are not as yet finished; also there is a good House in it, in which himself, with his Wife, dwelleth.

I find planted and estated upon this Land of *Brittish* Birth.

Free-holders 2, viz.

- 1 having 200 acres.
- 1 having 60 acres.

Lessees for years 8, viz.

- 2 having 200 acres le piece.
- 2 having 100 acres le piece.
- 3 having 200 acres jointly.
- 1 having 66 acres.

These ten Families, with their Undertenants, are able to make forty Men with Arms; and these, for the most part, have taken the Oath of Supremacy.

LXXXIX. 1000 acres.

Alexander Mc. Awley, alias Stewart, hath one thousand Acres, called *Ballyneagh*.

Upon this there is built a Bawne of Lime and Stone, seventy Feet square, with four Flankers, and a Stone House in it.

I find planted and estated upon this Land of *Brittish* Birth.

Free-holders 2, viz.

- 1 having 200 acres.
- 1 having 60 acres.

Lessees for years 9, viz.

- 3 having 200 acres le piece.
- 2 having 180 acres.
- 1 having 120 acres.
- 2 having 60 acres le piece.
- 1 having 40 acres.

Total eleven Families, who, with their Undertenants, are able to make thirty Men armed; these have taken the Oath of Supremacy. Here is good Store of Tillage, and I saw not one *Irish* Family on the Land.

XC. 1000 acres.

The Laird of *Luffe* hath one thousand Acres, called *Corgagh*.

Upon this Proportion there is a Bawne of Clay and Stone sixty Feet square, ten Feet high, with two Flankers; and a poor House within it, which is thatched.

I find planted and estated upon this Land of *Brittish* Families.

Free-Holders, 2, viz.

1 having 300 acres.

1 having 100 acres.

Lessees for Years 3, viz.

1 having 330 acres.

1 having 300 acres.

1 having 195 acres.

Cottagers, 5, viz.

Each of these have a House and Garden Plott.

Total ten Families, who, with their Undertenants, are able to make twenty six Men; whereof five of the best have taken the Oath of Supremacy. Here is good Store of Tillage.

XCI. 3000 acres.

Sir *John Stewart* Knight hath three thousand Acres, called *Casbell*, *Ketin*, and *Littergull*.

Upon this Proportion there is built at *Magevelin* a very strong Castle of Lime and Stone, with a Flanker at each Corner; but as yet there is no Bawne nor Free-holders made; and for want of them he saith the Duke of *Lenox* shall answer the King. But I saw the Land well inhabited, and full of People; but what Estates they have I know not, neither would he call the Tenants together; but shewed me a Counterpaine of one Lease, and said, that each of the Tenants had the like.

XCII. 1000 acres.

Sir *John Stewart* afore said hath one thousand Acres called *Liffmalmoghan*.

Upon

Upon this there is neither Castle nor Bawne; but the Land well inhabited with *Brittish* Tenants.

The Precinct of *Liffer*, allotted to *Englisch* Undertakers.

XCIII. 1500 acres.

Peter Benson hath one thousand five hundred Acres, called *Sbraghmiclar*.

Upon this there is a Bawne of Lime and Stone, one hundred Feet square, thirteen Feet high, with four Flankers; there is in it a good House of Lime and Stone, in which himself, with his Wife and Family, are dwelling; he hath also a Water Mill.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 5, viz.

5 having 120 acres le piece.

Leesees for Years 19, viz.

1 having 200 acres.

1 having 120 acres.

4 having 40 acres le piece.

3 having 25 acres le piece.

1 having 150 acres.

4 having 11 acres le piece.

5 having 160 acres jointly.

These twenty four Families, with their Undertakers, are able to make sixty eight Men with Arms, and have taken the Oath of Supremacy. He hath made a Village consisting of ten Houses, and not one *Irish* Family on the Lands.

XCIV. 2000 acres.

William Wilson Esq; hath two thousand Acres, called *Aghagalla*.

Upon this Proportion there is a large Bawne, and a Castle standing on a high Mount; all which is thoroughly finished, himself with his Wife and Family dwelling therein. He hath made a Village consisting of ten Houses well built.

I find planted and estated upon this Land of the *Brittish* Nation.

Free-holders 6, viz.

6 having 120 acres le piece.

Leffees for three Lives 14, viz.

4 having 200 acres jointly.

4 having 56 acres le piece.

2 having 200 acres jointly.

3 having 200 acres jointly.

1 having 56 acres jointly.

These twenty Families have fifty Families under them which do dwell many of them together, and are able to make one hundred and six Men. Here is great Store of Tillage, and not an *Irish* Family.

XCV. 2000 acres.

Sir *Thomas Cornwall* was first Patentee.

Thomas Davis, holdeth from his Brother, *Robert Davis*, two thousand Acres, called *Corlackin*.

Upon this Proportion there is a Bawne of Stone and Clay, rough-cast with Lime, having two Flankers, and a Stone House in it.

He hath planted and estated upon this Land of *English* and other *Brittish* Tenants.

Free-holders 4, viz.

1 having 220 acres.

1 having 120 acres.

2 having 160 acres le piece.

Leffees for years 28, viz.

5 having 100 acres le piece.

6 having 75 acres le piece.

2 having 40 acres le piece.

4 having 30 acres le piece.

4 having 20 acres le piece.

1 having 25 acres.

2 having 16 acres le piece.

4 having 11 acres le piece.

These 32 Families are dwelling on the Land, and have taken the Oath of Supremacy. They have divers Undertakers under them, all which are able to make 54 Men armed, and dwell together in Villages, some consisting of twelve Houses, others less.

XCVI.

XCVI. 1000 acres.

Captain *Mansfield* hath one thousand Acres called *Kil-lenegirdon*.

Upon this Proportion the Bawne is finished, and a good Stone House three Stories high is ready to be slated, himself with his Family there dwelling; and near to this place he hath made a Village consisting of nine Houses, and standing on a Passage very commodious for the King's Service, and the good of the Country.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 2. viz.

1 having 260 acres.

1 having 200 acres.

Leſſees for Years 16, viz.

3 having 140 acres jointly.

1 having 220 acres.

1 having 120 acres.

1 having 124 acres.

2 having 60 acres le piece.

3 having 62 acres le piece.

2 having 40 acres le piece.

1 having 6 acres.

2 having 10 acres le piece.

In Toto 18 Families, dwelling on the Land, being able to make, with their Undertenants, 46 Men with Arms; and 9 of the principal of these have taken the Oath of Supremacy.

XCVII. 1500 acres.

Captain *Russell* was first patentee.

Sir *John Kingmill* Knight hath one thousand five hundred Acres, called *Acarine*.

Upon this Proportion there is a Bawne of Lime and Stone one hundred Feet Square, with two Flankers, the which are two Stories high, with good Lodgings in them, and a very strong Stone House three Stories high; himself with his Wife and Family dwelling therein. Near to the Bawne there is built a Village consisting of thirty Houses, being all inhabited with *English* Families.

I find planted and estated upon this Land of *Brittish* Birth.

Free-holders 5, viz.

- 1 having 200 acres.
- 1 having 120 acres.
- 1 having 110 acres.
- 2 having 100 acres le piece.

Lessees for three lives 5, viz.

- 1 having 400 acres.
- 4 having 120 acres le piece.

Lessees for Years 3, viz.

- 2 having 40 acres le piece.
- 1 having 10 acres.

In Toto 13 Families, who have divers Undertenants, and do make the Number of 36 Men armed, being all resident on the Land.

XCVIII. 2000 acres.

Sir Robert Remington the first Patentee.

Sir Ralph Bingley Knight hath two thousand Acres, called *Tonafocies*.

Upon this Proportion there is built a strong Castle, with four large Towers; it is now three Stories high, the Roof is framed, but all standeth at a Staie through the controversy that is between him and Sir Robert Remington's heirs; Yet I found planted and estated upon this Land of *British* Families.

Freeholders 4, viz.

- 2 having 200 acres le piece.
- 1 having 120 acres.
- 1 having 67 acres.

Lessees for 3 lives, 6, viz.

- 1 having 300 acres.
- 1 having 200 acres.
- 4 having 120 acres le piece.

Lessees for Years 11, viz.

- 3 having 360 acres jointly.
- 4 having 100 acres le piece.
- 2 having 200 acres jointly.
- 2 having 200 acres jointly.

In Toto twenty one Families, who with divers other Undertenants are able to make sixty Men with Arms, and many of them do dwell together, and have taken the Oath of Supremacy. The Castle is seated upon the River of *Finn*, where is a Ford, and the only Passage into the Country, and in a most principall Place for the King's Service.

XCIX.

XCIX. 2000 acres.

Sir Maurice Bartley was the first Patentee.

Sir Ralph Bingley Knight hath two thousand Acres called *Drummore* and *Lurgagh*.

Upon this Proportion the Bawne, being of Brick, and the House of Stone, are now thoroughly finished, and himself and Family dwelling therein. It is well seated for Service, and within a Mile of the Place he hath made a Village in which there are six Houses, and a Mill already Built, and there is more in building, in a Place which is a continual Passage.

I find planted and estated on this Land of *Brittish* Families, which have taken the Oath of Supremacy.

Free-holders seven, viz.

- 4 having 120 acres le piece.
- 1 having 67 acres.
- 1 having 60 acres.
- 1 having 200 acres.

Lessees for Years 12, viz.

- 2 having 120 acres le piece.
- 4 having 67 acres le piece.
- 3 having 100 acres le piece.
- 3 having 40 acres le piece.

In Totq 29 Families, which, with their Undertenants, are able to make 64 Men with Arms.

Cottagers ten, viz.

Each of these have a House and six acres, and Commons for the greasing of a few Cows.

C. 1500 acres.

Sir Thomas Coach Knight hath one thousand five hundred Acres called *Lismongan*.

Upon this Proportion he hath a Trench cast up with a hedge upon it, invironed with a small Brook, in which there is a house of Cage Work, wherein himself with his Lady

Lady and Family are dwelling. There is Brick and Lime, with all other Materials, ready for the building of a Bawne and a House. The Place is very convenient for the King's Service, and the good of the Country. He hath six good Houses near unto him inhabited with *English* Families; and this had long since been done, but that he was grievously troubled with Sicknes.

But here I find planted and estated of *Brittish* Families, which took the Oath of Supremacy.

Free-holders 4, viz.

2 having 200 acres le piece.

1 having 200 acres.

1 having 70 acres.

Lessees for Years 9, viz.

5 having 120 acres le piece.

1 having 70 acres.

3 having 66 acres le piece.

In Toto 19 Families,
able to make 56 Men with
Arms.

Cottagers 6, viz.

Each of these have a Tenement and a Garden Plott, with four Acres, and Commons for some Cattle.

CI. 1500 acres.

Sir *William Barns* was first Patentee.

Sir *John Kingmill* Knight, and Mr. *Wilson*, have one thousand five hundred Acres called *Monester*,

Upon this Proportion the Bawne and House are strongly finished, divers other Houses built near unto the Bawne, inhabited with *English* Families.

I find planted and estated upon this Land of *Brittish* Nation.

Free-

Free-holders 6, viz.

- 2 having 120 acres le piece.
- 3 having 100 acres le piece.
- 1 having 96 acres.

Lessees for Years six, viz.

- 1 having 144 acres.
- 2 having 120 acres le piece.
- 1 having 200 acres.
- 2 having 40 acres le piece.

In Tóto 17 Families, who with their Undertenants are able to make 46 Men with Arms; and 11 of these have taken the Oath of Supremacy.

Cottagers 5, viz.

Each having a House and Garden Plott, with Commons for four Cows and other Cattle.

The Precinct of *Killmacrenan*, allotted to Servitors and Natives.

CII. 1000 acres.

Captain *Craiford* was the 1st Patentee.

Sir *George Marburie* hath a thousand acres called *Lit-terkenny*.

Upon this there is built a Bawne of Lyme and Stone sixty Feet square, with two Flankers twelve Feet high, and standeth waste. Near adjoining to this Bawne there is built a Township, wherein there is forty Houses, wherein he dwelleth; and all these Houses are inhabited with *Brittish* Tenants, being able to make fifty Men. It is a great Market Town, and standeth very well for the King's Service.

CIII. 1000 acres.

Sir *John Kingmill* Kt. hath a thousand acres, called *Balamally*.

Here is a Bawne built of Stone and Clay, and standeth waste, and not one *English* Man on the Land.

CIV.

CIV. 1000 acres.

Sir *William Stewart* Kt. hath a thousand acres, called *Gortavaghie*.

Here is a Bawne of Stone and Clay, rough-cast over with Lyme, eighty Feet long, seventy Feet broad, and fourteen Feet high; a good Stone House within it, which is inhabited with a *Scottish* Gentleman and his Family. He hath eight *Brittish* Families upon the Land, which do use Tillage and Husbandry, being able to make twenty Men with arms.

CV. 1000 acres.

Sir *Basil Brooke* Kt. hath a thousand acres, called *Edonecarne*.

Upon this there is a Bawne of Lyme and Stone, and in it a House in building, in the which there dwelleth an *English* Man.

CVI. 1000 acres.

Sir *Thomas Chichester* Kt. hath a thousand acres called *Radonnel*.

Upon this there was a Bawne built of Clay and Straw, with some Stone among it; but now it is fallen down, and lyeth waste.

CVII. 1000 acres.

Sir *John Vaughan* was 1st Patentee.

John Wray, Esq; hath a thousand acres called *Carne-gille*.

Upon this there is a good strong Bawne of Lyme and Stone, forty Feet long, fifteen Feet high, with four Flankers, in which are good Lodgings, being two Stories high; also a Stone House of the length of the Bawne, being two Stories high: This is inhabited with an *English* Gentleman and his Family, who hath some *English* Tenants under him, and this standeth in a good Place for the King's Service.

CVIII.

CVIII. 1000 acres.

Arthur Terrie hath a thousand acres called *Moyris*.

Upon this there is a good Bawne of Lyme and Stone, with two Flankers, and a good House in it, being inhabited with an *English* Gentleman, his Wife and Family. He hath six *English* Families besides, the which in all are able to make ten Men armed.

CIX. 1000 acres.

Captain *Henry Harte* hath a thousand acres called *Ballenar*, and two hundred and fifty six of Concealments.

Upon this there is a strong Fort and House in it, all of Lyme and Stone, in which there is an *English* Family.

CX. 1000 acres.

Sir *Richard Hansard* was the 1st Patentee.

Sir *William Stewart* Kt. hath a thousand acres called *Ramalton*.

Upon this there is built a large and strong Bawne eighty Feet square, sixteen Feet high, with four Flankers, and a fair-strong Castle of the same Materials, being three Stories and a half high. He hath made a large Town consisting of forty five Houses, in which there are fifty seven Families all *Brittish*, some of which have Estates for Years. He hath also begun a Church of Lyme and Stone, which is built to the setting on of the Roofe. There is also a Water-Mill for Corn: This is a Market Town; and standeth very well for the good of the Country, and the King's Service.

CXI. 1000 acres.

Sir *John Vaughan* Kt. hath a thousand acres.

Upon this there is built a Bawne of Lyme and Stone, sixty Feet square, twelve Feet high, with four Flankers; within the same there is a Stone House inhabited with an *English* Gentleman and his Family.

CXII.

CXII. 1000 acres.

Captain *Paul Gore* hath 1000 acres.

Upon this Proportion there is a Bawne of Lyme and Stone sixty feet square, with two Flankers twelve feet high, and a Timber House of Cage-work within it, which is inhabited with an *English* Gentleman and his Family.

CXIII. 172 acres.

Lieutenant *Perkins* hath but 172 acres called, *Facker*. He never had any more; therefore is not bound to build.

CXIV. 400 acres.

Lieut. *Ellis* was first Patentee.

Nathaniel Rowley hath 400 acres called *Loughnemuck*; but upon this there is nothing built.

CXV. 528 acres.

Lieut. *Browne*.

Nathaniel Rowley hath 528 acres, called *Cranraffe*, and upon this there is nothing built.

CXVI. 108 acres.

Lieut. *Gale*.

William Lynn hath 108 acres, called *Caroreagh*, and 240 acres called *Largaurack*, but upon both these there is nothing built.

CXVII. 500 acres.

Sir *Richard Bingley* was the 1st Patentee.

Captain *Sanford* hath 500 acres, called *Castledoe*.

Upon this there is a Bawne of Lyme and Stone, forty feet square, sixteen feet high, and a Castle within it that is very strong; himself with his Wife and Family dwelling therein, with four other *English* Families on the Land.

CXVIII. 2000 acres.

Sir *Mulmorie Mc. Swyne* hath two thousand acres, called *Moynmellon*.

And

And he hath built a Bawne of Lyme and Stone, and a good Stone House, in which he dwelleth with his Family; he hath made no Estates to any of his Tenants, and doth plough after the *Irish* manner.

CXIX. 2000 acres.

Mc. Swyne Banagh hath two thousand acres, called *Leanagh*, and *Corragh*.

And he also hath built a Bawne of Lyme and Stone, with a House in it, wherein he with his Family dwelleth. He hath made no Estates; for his Tenants will have no longer time but from Year to Year.

CXX. 2000 acres.

Tirlagh Roe O-Boyle hath two thousand acres, called *Carogbbleagh* and *Clomas*.

He hath built a good Bawne, and a House of Lyme and Stone, in which he with his Family dwelleth. He hath made no Estates, and all his Tenants do plough after the *Irish* manner.

CXXI. 2000 acres.

Donnell Mc. Swyne Farne hath two thousand acres called *Roindoberg* and *Caroocomony*.

He hath built a good Bawne, and a House all of Lyme and Stone, in which he with his Family dwelleth. His Tenants have no Estates, but from three Years to three Years, and these do plough after the *Irish* manner.

CXXII. 896 acres.

Walter Mc. Laugblin Mc Swyne hath eight hundred and ninety six acres, called *Bellycany*, and *Ragh*.

He hath built a fair Bawne, and a good strong House, all of Lyme and Stone, himself dwelling in it with his Family, being a Justice of the Peace in the County, and conformable to his Majesty's Laws, serving the King and Country upon all Occasions, and one that hath ever been a true Subject since the first taking in of *Loughfoyle*.

County

County of TYRONE.

The Precinct of *Strabane*, allotted to *Scottish* Undertakers.

CXXIII. 1000 acres.

The Earl of *Abercorne* holdeth a thousand acres, called *Strabane*.

Upon this there is built a very strong and fair Castle, but no Bawne, and a School-House of Lyme and Stone. There is also a Church in building, the Walls whereof are about five feet high, but hath been at a stay ever since the late Earl dyed. There is also about this Castle a Town built consisting of eighty Houses, whereof a great many of them are of Lyme and Stone very well and strongly built; there are many other good Timber Houses; in these Houses there are an hundred and twenty Families, which are able to make two hundred Men, every one having arms for his defence; also there are three Water-Mills for Corn on this Proportion.

I find planted and estated on this Land of *Brittish* Tenants.

Free-

Free-Holders, six, viz.

- 1 having 120 acres.
- 5 having 60 acres le piece.

Lessees for lives 6, viz.

- 1 having 120 acres.
- 2 having 60 acres le piece.
- 3 having 40 acres le piece.

Townsmen 53, viz.

Each of these have a House and Garden Plott, with some small quantities of Land,

These are most Merchants and Tradesmen, and some Cottagers, in toto sixty five Families, consisting of an hundred and eighty Men.

CXXIV. 2000 acres

The Earl of *Abercorne* hath two thousand acres, called *Donnalonge*.

Here is neither Castle nor Bawne; but upon some Places of the Land there is three or four good Houses built of Lyme and Stone by the Tenants.

I find planted and estated here these Tenants being *Brittish*.

Free-Holders, 6, viz.

- 1 having 260 acres.
- 1 having 120 acres.
- 4 having 60 acres le piece.

Lessees for years 14, viz.

- 2 having 120 acres le piece.
- 6 having 180 acres jointly.
- 1 having 120 acres.
- 2 having 60 acres le piece.
- 3 having 60 acres jointly.

In toto twenty Families; who, with their under Tenants, are able to make an hundred and six Men with arms.

CXXV. 1500 acres.

Sir Thomas Boide was the first Patentee.

The Earl of Abercorne hath 1500 acres, called *Sbean*.

Upon this there is a large Bawne of Lyme and Stone, eighty feet square, with four Flankers; but as yet is not thoroughly finished. There is also a large strong Castle begun, and they tell me it shall be finished this Summer.

I find planted and estated upon this Land of *Brittish* Tenants.

Freeholders, three, viz.

3 having 120 acres le piece.

Leffees for Years 10, viz.

2 having 240 acres.

2 having 120 acres le piece.

4 having 60 acres le piece.

2 having 30 acres le piece.

In toto thirteen Families, who with their under Tenants are able to make an hundred Men armed.

CXXVI. 1500 acres.

Sir George Hamilton Kt. hath one thousand five hundred acres, called *Largie*, alias *Clogbogenall*.

Upon this there is no more done upon the Bawne and House, than was done when Sir *Jefias* modestly did last Survey it; but he hath made a Village, in which he hath built of *Irish* coupled Houses thirty; and this standeth in a Road way, and in a convenient place.

I find planted and estated on this Land of *Brittish* Birth and Descent.

Free-Holders, four, viz.

1 having 102 acres.

3 having 60 acres le piece.

Leffees for Years 11, viz.

1 having 120 acres.

10 having 60 acres le piece.

These 27 Tenants are able to make 50 Men armed.

Townsmen, twelve.

Each of these have a House and Garden Plott, with some small quantities of Land to feed their Cows.

CXXVII. 1000 acres.

Sir George Hamilton Kt. hath a thousand acres, called *Derrie-woone*.

Upon this Proportion there is built a Bawne of Lyme and Stone, sixty feet square, fourteen feet high, with four Flankers, whereof two of them have very good Lodgings in them; and near unto the Bawne there is a Village, wherein are ten Houses inhabited with *Brittains*.

I find planted and estated on this Land of *Brittish* Tenants.

| | | | |
|-------------------------------------|---|---|--|
| Freeholders 2, viz. | } | Total 16 Families, who, with their under Tenants, are able to make 43 Men with Arms. | |
| 2 having 120 acres le piece. | | | |
| Lessees for years fourteen, viz. | } | | |
| 4 having 60 acres le piece. | | | |
| 5 having 40 acres le piece. | | | |
| 1 having 30 acres. | | | |
| 4 having 15 acres le piece. | } | | |

CXXVIII. 2000 acres.

Sir Claude Hamilton Kt. deceased, left this Land in Charge with Sir George Hamilton.

Upon this there are two thousand acres, called *Eden* and *Killiny*, and there is built a Bawne of Lyme and Stone seventy feet square, fourteen feet high, and a good Castle in it, both strong and beautiful. There is built near unto the Bawne six small Houses, and divers others on the Land, all which be inhabited with *Brittish* Families.

I find planted and estated by Promise upon this Land of *Brittish* Tenants.

| | | | |
|------------------------------|---|---|--|
| Free-holders 6, viz. | } | These twenty Families, with their under Tenants, are able to make fifty Men. Yet these have no Estates; for that the Children are under age. | |
| 4 having 120 acres le piece. | | | |
| 2 having 60 acres le piece. | } | | |
| Lessees for Years, 14 viz.. | | | |
| 5 having 60 acres le piece. | | | |
| 9 having 30 acres le piece. | | | |

N 2

CXXIX.

CXXIX. 1500 acres.

James Haige was first Patentee.

Sir *George Hamilton*, and Sir *William Stewart* Kts. have jointly 1500 acres, called *Terremurrearteth*, alias *Moun-terlongy*.

Upon this there is nothing all built; but the Lord *Abercorne* and Sir *George Hamilton* are bound in a Bond of a thousand Pounds to Sir *William Stewart* to perform the building this Summer; I saw no *Brittish* Tenants on this Land; but I am told there are eight *Brittish* Families, and all the rest of the Land is inhabited with *Irish* Natives.

CXXX. 2000 Acres.

James Chapman was the first Patentee.

Sir *Robert Newcomen* Kt. hath 2000 acres, called *Newtowne* and *Lislap*.

He is but newly come unto it, and he hath rebuilt the Castle, which is now four Stories high, ready to have the Roof set up, and two sides of the Wall of the Bawne is finished, being sixteen Feet high, the other two sides are going up a pace. There is a good Town in building before the Castle, wherein is already fourteen Houses, all inhabited with *English* and *Scottish* Tenants.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders four, viz.

3 having 120 acres le piece.

1 having 60 acres.

Lessees for Years, nine, viz.

2 having 180 acres le piece.

2 having 120 acres le piece.

4 having 60 acres le piece.

1 having 21 acres.

Total twenty five Families,
able to make forty eight
Men with Arms.

Cottagers twelve, viz.

Each of these have a House
and Garden Plott and some
Commons for greasing of
Cows.

CXXXI. 1000 acres.

Sir John Drommond Kt. hath a thousand acres, called *Ballymagneh*.

Upon this there is a Bawne of Lyme and Stone, an hundred feet square, with four Flankers, and in it a Timber House of Cage work, himself and Family dwelling therein. He hath made a small Village a quarter of a Mile off, wherein are ten Houses, and a Water-Mill for Corn; there are many Tenants on the Land, but they have no Estates at all: Insomuch that they knowing I was in the Country, they came and complained unto me, and said that for these many Years they could never get any thing from him but Promises; and therefore the most Part of them are leaving the Land. I desired the Lady to shew me their Counterpains; but her answer was, that her Knight was in *Scotland*, and that she could not come unto them: But upon Examination I found there were thirty Men of *Brittons* on the Land.

The Precinct of the *Omy*, appointed
to *English* Undertakers.

CXXXII. 3000 acres.

This is the Countess her Jointure.

The Earl of *Castlehaven* hath 3000 acres, called *Faugh* and *Rarone*.

Upon this there is no building at all, either of Bawne or Castle, neither Freeholders.

I find planted upon this Land some few *English* Families, but they have no Estates; for since the old Earl died the Tenants (as they tell me) cannot have their Leases made good unto them, unless they will give treble the Rent which they paid; and yet they must but have half the Land which they enjoyed in the late Earl's time.

PANNAR's Survey of Ulster.

Leasees for Years 8, viz.
 1 having 120 acres.
 6 having 60 acres le piece.
 1 having 30 acres.

Cottagers, three.

Each of these have a small
 piece of Land to keep their
 Cows.

All these Tenants do dwell
 dispersedly upon their own
 Land, and cannot dwell to-
 gether in a Village ; because
 they are bound every one
 to dwell upon his own Land,
 which if they do not the
 Lease is void. These eleven
 Tenants can make no more
 Men, and all the rest of
 the Land is inhabited with
Irish.

CXXXIII. 2000 acres.

The Earl hath more 2000 acres, called *Brude*.
 Upon this there is nothing built.

CXXXIV. 2000 acres.

The Earl hath more 2000 acres, called *Fentonagh*.
 Upon this likewise there is nothing built.

CXXXV. 2000 acres.

The Earle hath more 2000 acres, called *Edergoole*, and
Carneurackan.

Upon this there was a large House begun, but now it is
 pulled down, and made but half so great ; being three
 Stories high, and finished. The Agent for the Earl shew-
 ed me the Rent Roll of all the Tenants that are on these
 three Proportions ; but their Estates are so weak and un-
 certain, that they are all leaving the Land. These were
 in Number sixty four ; and each of these hold sixty acres,
 which they term a Town Land : The rest of the Land is
 let to 20 *Irish* Gentleman, as appeareth by the Rent Roll,
 which is contrary to the Articles of Plantation ; and these
Irish Gentlemen have under them, as I was informed by
 the Tenants and Gentlemen in the Country, about three
 thousand Souls of all sorts.

CXXXVI.

CXXXVI. 2000 acres.

Sir John Davis Kt. hath 2000 acres, called *Gavelagh* and *Clonagbmore*, alias *Castle Dirge*, and *Castle Curlew*.

Upon this Proportion there is built two strong and fair Castles of Lyme and Stone, but no Bawne to them.

Here I find planted and estated of *Brittish* Nation; viz.

Free-holders, four, viz.

- 1 having 120 acres.
- 3 having 60 acres le piece.

Leasees for Years 12, viz.

- 3 having 60 acres le piece.
- 2 having 60 acres jointly.
- 2 having 60 acres jointly.
- 3 having 30 acres le piece.
- 2 having 60 acres jointly.

These sixteen Families are resident upon the Land, with some Tenants under them, which in all are able to make thirty Men. The rest of the land is inhabited with *Irish*, which are in a great Number.

The Precinct of *Clagher*, allotted to *English* Undertakers.

CXXXVII. 2000 acres.

The Lord *Ridgwaie* hath 2000 acres, called *Portclare* and *Ballykillgirie*.

Upon this Proportion there is a Bawne of Lyme and Stone fourteen feet square, with four Flankers, a Castle three Stories high, and an House besides; all, with the Bawn, being of Lyme and Stone.

I find planted and estated upon this Land of *Brittish* Families,

Free-Holders 2, viz.

- 1 having 120 acres.
- 1 having 60 acres

Lessees for Lives 9, viz.

- 1 having 200 acres.
- 1 having 180 acres.
- 2 having 120 acres le piece.
- 4 having 60 acres le piece.
- 1 having 40 acres.

These twenty Families,
with their under Tenants,
are able to make fifty six
Men with Arms.

Lessees for Years, 9, viz.

- 2 having 86 acres le piece.
- 7 having 60 acres le piece.

The said Lord Ridgwaile hath three hundred and six-
teen acres at the Agber, for the which he is to build a
Town, and hath performed, viz.

There are made fifteen Houses, whereof two of them
are of Lyme and Stone, the rest are all Cage Work and
Couples.

Each of these have to their House that be principal Bur-
gesses, two acres, and to them that are single Burgesses
one acre, besides Commons for Cattle, the whole num-
ber of Burgesses must be twenty.

CXXXVIII. 1000 acres.

George Ridgwaile Gentleman hath a thousand acres, called
Thomas Court.

Here is a Bawn of Lyme and Stone eighty feet square,
having four Flankers, but no House in it.

I find planted and estated upon this Land of Brittiſh
Tenants.

Free-holder 1, viz.

- 1 having 120 acres.

Lessees for 3 lives 6, viz.

- 5 having 120 acres le piece.
- 1 having 60 acres.

In toto eleven Families,
able to make twenty six
Men with Arms.

Lessees for Years 4, viz.

- 1 having 60 acres.
- 1 having 120 acres.
- 1 having 40 acres.
- 1 having 30 acres.

CXXXIX.

CXXXIX. 1000 acres.

William Turvin was the first Patentee.

Sir Gerrard Lowther, Kt. hath 1000 acres, called *Moyener* and *Ballegalin*.

Upon this there is a Bawne of Clay and Stone, with two-Flankers, being eight Feet high.

This is let to one Mr. *Pringle*, who is dwelling on the Land in a poor Cabin; but what Tenants he hath, I know not; for he refused to shew them unto me; but he brought after me a List of just twenty Tenants; but I know not whether they have any Estates; for the List doth not make any Mention what they hold. As I passed over the Land I saw divers ploughing; and this is all I can say of him.

CXL. 1500 acres.

Captain *Edney* was the first Patentee.

The Lord *Burleigh* hath 1500 acres, called *Logbmawise*.

Upon this there is a Bawne of an hundred and forty Feet long, and sixty three Feet wide, with three Flankers, fourteen Feet high. There is a House within the Bawne, and a Castle begun; all which is of Lyme and Stone, being built to the second Storie. This is inhabited with a *Scottish* Gentleman,

I find planted and estated upon this Land of *Brittish* Tenants,

Free-holders 5, viz.

- 1 having 120 acres.
- 2 having 200 acres le piece.
- 1 having 67 acres.
- 1 having 50 acres.

Lease-holders for Years ten, viz.

- 2 having 60 acres le piece.
- 3 having 200 acres jointly.
- 1 having 100 acres.
- 4 having 66 acres le piece.

Total nineteen Families, who with their under Tenants are able to make 60 Men with arms.

Cottagers

Cottagers in Fee, four.

Each of these have a House
and Garden Plott, and gra-
sing on the Commons for
Cows and Garrons.

CXLL. 2000 acres.

Sir Francis Willoughby, the first Patentee.

John Leigh, Esq; hath 2000 acres, called *Fentonagh*.

Upon this there is a Bawne of Lyme and Stone, with
two Flankers, and a good large Stone House within it, in
which he dwelleth. Near unto this Bawne there is a small
Village consisting of eight Houses.

I find planted and estated upon this Land of *Brittish*
Tenants.

Free-holders 8, viz.

3 having 120 acres le piece.
2 having 60 acres le piece.
2 having 45 acres le piece.
1 having 66 acres,

Lessees for Years 12, viz.

4 having 100 acres le piece.
2 having 66 acres le piece.
1 having 120 acres.
3 having 66 acres le piece.
2 having 40 acres le piece.

Total forty one Families,
able to make forty eight
Men, which have taken the
Oath of Supremacy.

Cottagers, twenty one.

Each of these have a House
and Garden Plott, and most
of them two acres, besides
Commons for Cattle.

CXLII. 2000 acres.

Edward Kingmill, the first Patentee.

Sir William Stewart, Kt. hath 2000 acres called *Ballene-
coole* and *Balleranally*.

Upon

Upon this Proportion there is a large strong Castle in building, all of Lyme and Stone, which is now three Stories high, and when it is finished will be the fairest Castle in the whole Precinct. He is making a Bawne two hundred and forty Feet in length, and an hundred and twenty Feet in breadth, with four Flankers, being of Clay and Stone. He hath made a Village, where are now nine Houses, and more are in building: There is good store of Tillage, and all the *Irish* put from the Land.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders 5, viz.

- 1 having 180 acres.
- 2 having 120 acres le piece.
- 2 having 130 acres le piece.

Lessees for Years, nine.

- 1 having 160 acres.
- 2 having 60 acres le piece.
- 4 having 60 acres le piece.
- 1 having 20 acres.
- 1 having 40 acres.

Total 22 Families, who with their under Tenants, are able to make 64 Men armed.

Cottagers eight, viz.

Each of these have a House and Garden Plott, with Commons for their Cattle.

CXLIII. 2000 acres.

Sir *Anthony Cope* was the first Patentee.

Sir *William Cope*, Kt. hath 2000 acres, called *Derribard*.

Upon this there is a Bawne of Clay and Stone pointed with Lyme, being eighty Feet square, with two Flankers, and a little House within it uncovered, all lying waste, and not any one *English* Man at all dwelling on the Land, but all inhabited with *Irish*.

CXLIV.

CXLIV. 1000 acres.

William Parsons Esq; hath 1000 acres, called *Ballenerlogh*.

Upon this there is a Bawne of Lyme and Stone, being sixty feet square, and thirteen Feet high, with two Flankers. There is in it a large Stone House, two Stories and a half high, in which his Brother, with his Wife and Family dwelleth.

I find planted and estated upon this Kand of *Brittish* Tenants.

Free-holders 2, viz.
2 having 120 acres le piece.

Lessee for 3 lives 1, viz.
1 having 180 acres.

Lessees for Years 8, viz.
2 having 180 acres le piece.
2 having 120 acres le piece.
4 having 60 acres le piece.

Cottagers, four, viz.
Each of these have a House
and Garden Plott, with Commons for greasing their cattle.

In total 15 families, who with their under Tenants are able to make thirty eight Men armed, having taken the Oath of Supremacy, and most of them dwelling in a Village consisting of nine Houses.

The Precinct of *Mountjoy*, allotted to *Scottish* Undertakers.

CXLV. 1800 acres.

Sir Robert Helyborne Knight, hath one thousand eight hundred Acres, called *O'Carrogan*.

Upon this Proportion there is a Bawne of Clay and Stone rough cast with Lime, the Walls not above seven Feet high, and a small House within it, being of Lime and Stone; also near adjoining to the Bawn there are ten little Houses standing together, inhabited with *Brittish* Families.

I find

I find planted and estated upon this Land of *British* Tenants.

Free-holders, six, viz.

- 1 having 660 acres.
- 2 having 240 acres le piece.
- 3 having 180 acres le piece.

Lessees for Years 3, viz.

- 1 having 180 acres.
- 1 having 60 acres.
- 1 having 30 acres.

Total 9 Tenants, who, with their Undertenants are able to make 26 Men with Arms.

CXLVI. 3500 acres.

The Lord *Uchiltree* hath three thousand five hundred Acres called *Revelin-outra* and *Eightra*.

There is no more done now than was at the last Survey; the Castle is thatched, and the Lord absent. Near unto the Castle there are a great many poor *Irish* Houses inhabited with *Brittish* Families.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-Holders 7, viz.

- 2 having 180 acres le piece.
- 5 having 120 acres le piece.

Lessees for Years 12, viz.

- 5 having 120 acres le piece.
- 7 having 60 acres le piece.

Total 19 Tenants, who, with their Undertenants, are able to make 80 Men with Arms.

CXLVII. 1500 acres.

Captain *Sanderfon* Esq; hath one thousand Acres called *Tullylegan*.

Upon this there is a good Bawne of Clay and Stone, rough cast with Lime, having two Flankers, and a very good House of Lime and Stone, himself, with his Wife and Family, now dwelling there; and about him some Number of Houses inhabited with *British* Families.

I find

PYNNAR's Survey of Ulster.

I find planted and estated upon this Land of *Brittish* Families.

| | | |
|--|---|--|
| Freeholders 5, viz. | } | In Total 16 Families, able to make 36 Men with Arms. |
| 2 having 120 acres le piece. | | |
| 3 having 60 acres le piece. | | |
| Leffees for three lives 4, viz. | } | |
| 2 having 120 acres le piece. | | |
| 2 having 60 acres le piece. | | |
| Cottagers seven, viz. | } | |
| These seven do hold 120 acres among them for twenty one Years. | | |

CXLVIII. 1000 acres.

Mrs. *Lindsey*, late Wife to *Robert Lindsey*, hath one thousand Acres called *Tullagboge*.

Upon this there is a good strong Bawne of Earth, with a Quick-set Hedge upon it, and a Ditch about it. There is a Timber House within it, in which she and her Family dwell.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

| | | |
|----------------------------------|---|--|
| Free-holders 2, viz. | } | Total twenty two Tenants, able to make thirty Men with Arms. |
| 2 having 120 acres le piece. | | |
| Leffees, 8, viz. | } | |
| 1 having 120 acres. | | |
| 1 having 60 acres. | | |
| 6 having 120 acres. | | |
| Cottagers; 12. viz. | } | |
| These hold among them 120 acres. | | |

CXLIX. 1000 acres.

... *Bernard Lindsey* was the first Patentee.
Alexander Richardson hath one thousand Acres called *Creighballe*.

Upon

Upon this there is built a Bawne of Clay and Stone, being rough cast with Lime, ninety Feet square, with four Flankers, and a Timber House in it, in which he, with his Family, is now dwelling.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders, 2, viz.
2 having 120 acres.

Leffees for years 4, viz.
1 having 120 acres.
2 having 120 acres jointly.
1 having 60 acres.

In total 17 Tenants, able
to make 39 Men armed.

Cottagers, eleven, viz.
Each of these have a Tene-
ment and Garden Plot, and
Commons for their Cattle.

CL. 1000 acres.

Robert Stewart was the first Patentee.

Andrew Stewart, Son of the Lord *Uchiltree*, hath one thousand Acres called *Ballenekeuan*.

Upon this there is now in building a small Castle twenty Feet square; it is two Stories high, the Bawne is laid out to be sixty Feet square, and of that there is but one of the Sides begun, being eight Feet high; but the Workmen are hard at Work, and have promised to make haste.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-Holders, 2, viz.

1 having 240 acres.
1 having 120 acres.

Leffees for Years, 8, viz.
2 having 240 acres le piece.
3 having 120 acres le piece.
1 having 60 acres.
2 having 120 acres jointly.

Total ten Families, who,
with their Undertenants, are
able to make 32 Men with
Arms.

CLI.

CLI. 1000 acres.

David Kenedaie hath one thousand acres called *Gortevill*. Upon this there is a good Bawne of Lime and Stone eighty Feet square, with three Flankers, and a House of Timber within it, in which he dwelleth. There are about the Bawne twelve Houses inhabited by *Brittish* Tenants.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders, 2, viz.
2 having 120 acres le piece.

Lessees for Years, 5, viz.
1 having 180 acres.
2 having 120 acres le piece.
2 having 60 acres le piece.

Cottagers 9, viz.

Each of these have a House and a Garden Plot, and Commons for their Cattle.

Total 16 Families, who, with their Undertenants, can make 36 Men armed.

The Precinct of *Dunganon*, allotted to Servitors and Natives.

CLII. 1140 acres.

The Lord *Chichester* hath one thousand one hundred and forty Acres called *Dunganon*.

Upon this there is built a Fort of Lime and Stone, one hundred and twenty Feet square, with four half Bulwarks, and a deep Ditch about it, twenty Feet broad, and Counter-carped. There is a Castle to be built by Captain *Sandford*, who hath contracted for the finishing of it this Summer. Upon the Land without the Town there are three *English* Houses, being inhabited with *English* Men.

CLIII.

CLIII. 500 acres.

His Lordship is to Build a Town in *Dungannon*, for which there is laid out five hundred Acres.

Upon this there is now built nine fair Stone Houses, whereof one of them hath a Stone Wall about it, and there are five more which are now ready to have the Roof set up. Also six strong Timber Houses built of good Cage Work, and six more of the same, which are framed and ready to be set up, and are contracting for the finishing. There are *Brittish* Tenants that are for these Houses when they be built, that dwell in the Town in small Cabbins.

There is also a large Church with a Steeple, all of Lime and Stone, now ready to be covered. Besides these *Brittish* Tenants within the Town, (which are thirty *English* Families,) there are thirty six *Irish*, which come to the Church, and have taken the Oath of Supremacy.

CLIV. 2000 acres.

The Lord *Ridgwaie* hath two thousand Acres called *Large*.

Upon this there is built a Bawne of Lime and Stone one hundred and sixty Feet square, fourteen Feet high, with four Flankers, and a House in it of Timber. There are dwelling three *English* Families upon the Land near to the Bawne.

CLV. 1000 acres.

Sir *Toby Caulfield* hath one thousand Acres called *Ballidon-nell*, whereunto is added, beside what was certified by Sir *Josias Bodley*, a fair House or Castle, the Front whereof is eighty Feet in length, and twenty eight Feet in breadth from out side to out side, two Cross ends fifty Feet in length, and twenty eight Feet in breadth: The Walls are five Feet thick in the Bottom, and four at the Top, very good Cellars under Ground, and all the Windows of hewn Stone. Between the two Cross Ends there goeth a Wall, which is eighteen Feet high, and maketh a small Court within the building. This Work at this Time is but thir-

PYNNAR's *Survey of Ulster.*

teen Feet high, and a Number of Men at Work for the sudden finishing of it.

There is also a strong Bridge over the River, which is of Lime and Stone, with strong Butterises for the supporting of it.

And to this is joined a good Water Mill for Corn, all built of Lime and Stone. This is at this Time the fairest building that I have seen. Near unto this Bawne there is built a Town, in which there are fifteen *English* Families, who are able to make twenty Men with Arms.

CLVI. 1000 acres.

Sir *Francis Roe* Kt. hath one thousand acres, called *Manor Roe*.

Upon this there is a good Bawne of Earth, eighty feet long, and sixty feet broad, with a Quickset set upon it, and a good deep Ditch about it. There is within it a very good small House of Brick and Stone, inhabited by an *English* Gentleman, and his Family. There are also about the Bawne seventeen Houses, which are inhabited with *Brittish* Tenants, who have Estates for Years, and have taken the Oath of Supremacy.

CLVII. 1000 acres.

William Parsons Esq; hath a thousand acres called *Alt-desert*.

Upon this there is a Bawne of Stone and Lyme seventy feet square, with two Flankers, with a House within it, wherein is dwelling an *English* Man and his Family. The rest of the Land is inhabited with *Irish*; for he hath it as a Servitor, and is leased for a certain number of Years and certain Rents.

CLVIII. 480 acres.

Sir *Francis Ansley* Kt. hath four hundred and eighty acres called *Clanagbrie*.

Upon this there are a Bawne of Scdd intrenched about.

CLIX.

CLIX. 2000 acres.

The Lord *Wingfield* hath two thousand acres called *Bemburb*.

Upon this there is built a Bawne of Lyme and Stone an hundred and twenty feet square; fourteen feet high, with two Flankers, in which there is built in each a good House, three Stories high, and is inhabited with an *English* Gentleman, with his Wife and Family. There is also a Church in building seventy feet long, and twenty four feet broad, with eight large Windows, and is now ready to have the Roof set up. There are also twenty *English* Families dwelling on the Lands, which are able to make thirty Men with Arms.

CLX. 4000 acres.

Tirlagh O-Neale hath four thousand acres.

Upon this he hath made a piece of a Bawne, which is five feet high, and hath been so a long time. He hath made no Estates to his Tenants, and all of them do plough after the *Irish* manner.

County of A R D M A G H.

The Precinct of *Oneilan*, allotted to *English* Undertakers.

CLXI. 2500 acres.

William Bromlow Esq; hath two Proportions, viz. *Dowcoran* being 1500 acres, and *Ballenemony* 1000 acres.

Upon the Proportion of *Ballenemony* there is a strong Stone House within a good Island; and at *Dowcoran* there is a very fair House of Stone and Brick, with good Lyme, and hath a strong Bawne of Timber and Earth, with a Palazado about it. There is now laid in readines both Lyme and Stone to make a Bawne thereof, the which is promised to be done this *Summer*. He hath made a very fair Town consisting of forty two Houses, all which are inhabited with *English* Families, and the Streets all paved clean through; also two Water Mills, and a Wind Mill, all for Corn, and he hath store of Arms in his House.

I find planted and estated on this Land of *Brittish* Families.

Lessees for years 52, viz. 7

- 1 having 420 acres.
- 1 having 300 acres.
- 1 having 240 acres.
- 3 having 200 acres le piece.
- 1 having 120 acres.
- 13 having 60 acres le piece.
- 8 having 50 acres le piece.
- 6 having 40 acres le piece.
- 6 having 30 acres le piece.
- 9 having 26 acres le piece.
- 1 having 100 acres.
- 1 having 11 acres.
- 1 having 5 acres.

Total 57 Families, who have divers under them; and all these have taken the Oath of Supremacy, and are able to make an hundred Men with Arms. There is also good store of Tillage, and not one *Irish* Family upon all the Land.

Freeholders 5, viz.

- 5 having 120 acres le piece. J

CLXII.

CLXII. 1000 acres.

Sir Oliver St. John Kt. hath a thousand acres, called *Kernan*.

Upon this there are two Bawnes of Timber, and moated about, and made very strong. There is in each of these an *Englisb* House of Cage work, and two *Englisb* Families dwelling in them; there is near to one of these Bawnes five Houses, being inhabited with *Englisb* Families; the rest are disperfedly upon the Land three or four Families together.

I find planted and estated on this Land of *Brittish* Tenants.

Freeholders, 5, viz.

5 having 120 acres le piece.

Lessees for Years eight, viz.

2 having 120 acres le piece.

3 having 100 acres le piece.

2 having 60 acres le piece.

1 having 40 acres.

Total 17 Families; who, with their under Tenants are able to make thirty Men with arms; and thirteen of these have taken the Oath of Supremacy.

Cottagers four, viz.

Each of these have a Tenement and a Garden Plott, with Commons for their Cattle.

CLXIII. 2000 acres.

William Powell was first Patentee.

+ Mr. *Obbys* hath 2000 acres, called *Ballnevoran*.

Upon this there is built a Bawne of Sodds, with a Palazado upon it of Boards, ditched about. Within this there is a good fair House of Brick and Lyme, himself dwelling thereon; near to this he hath built four Houses inhabited with *Englisb* Families.

I find planted and estated on this Land of *Brittish* Tenants.

Free-holders five, viz.

- 3 having 120 acres le piece.
- 2 having 100 acres le piece.

Lessees for Years 15, viz.

- 4 having 100 acres le piece.
- 2 having 60 acres le piece.
- 3 having 66 acres le piece.
- 2 having 40 acres le piece.
- 1 having 30 acres.
- 3 having 100 acres jointly.

These twenty Tenants with their under Tenants are able to make forty six Men with Arms.

CLXIV. 3000 acres.

The Lord Say was the first Patentee.

Mr. Cope hath 3000 acres, called *Derrycau* and *Dramully*.

Upon this there is a Bawne of Lyme and Stone an hundred and eighty feet square, fourteen feet high, with four Flankers, and in three of them he hath built very good Lodgings, which are three Stories high. There are also two Water Mills and one Wind Mill; and near to the Bawne he hath built fourteen Houses of Timber, which are inhabited with *English* Families.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders 6, viz.

- 1 having 200 acres.
- 3 having 120 acres le piece.
- 2 having 60 acres le piece.

Lessees for Years 34, viz.

- 3 having 120 acres le piece.
- 4 having 100 acres le piece.
- 2 having 80 acres le piece.
- 3 having 60 acres le piece.
- 1 having 55 acres.
- 2 having 50 acres le piece.
- 2 having 40 acres le piece.

These 47 Families, with their under Tenants, are able to make 80 Men with Arms. There are 18 of these have taken the Oath of Supremacy.

7 having

| | |
|----------|--------------------|
| 7 having | 30 acres le piece. |
| 2 having | 25 acres le piece. |
| 2 having | 23 acres le piece. |
| 1 having | 44 acres. |
| 3 having | 20 acres le piece. |
| 2 having | 10 acres le piece. |

Cottagers 7, viz.

| | |
|------------------------|-------------------|
| 3 having | 3 acres le piece. |
| 2 having | 2 acres. |
| 2 having | 1 acre le piece, |
| with Commons for their | |
| Cattle. | |

CLXV. 1000 acres.

Richard Roulstone hath a thousand acres, called *Semore*.

Upon this there is a Bawne of Sodds, with a Pallazado, and moated about, and a little House in it, inhabited with an *English* Family; and near to the Bawne he hath made nine Houses, which are inhabited with *English* Tenants.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-Holders, 2, viz.

| | |
|----------|---------------------|
| 2 having | 120 acres le piece. |
|----------|---------------------|

Leasees for Years 8, viz.

| | |
|----------|---------------------|
| 6 having | 120 acres le piece. |
| 1 having | 20 acres. |
| 1 having | 12 acres. |

Total 10 Families, who with their under Tenants are able to make 24 Men with Arms.

CLXVI. 2000 acres.

John Heron hath two thousand acres, called *Agbiuillan* and *Brochus*.

Upon this he hath built two small Bawnes of Earth, with a Pallazado upon them, and a Ditch about them; and near unto each of these Bawnes he hath built Houses, which are inhabited with *English* Families.

I find planted and estated upon this Land of *Brittish* Families.

Free-holder 1, viz.

1 having 180 acres.

Leffees for Years 12, viz.

1 having 120 acres.

2 having 30 acres le piece.

3 having 20 acres le piece.

2 having 15 acres le piece.

3 having 10 acres le piece.

1 having 60 acres.

Total 13 Families, which, with their under Tenants, are able to make 26 Men with Arms.

CLXVII. 1500 acres.

William Stanbowe hath 1500 acres, called *Kannagoelan*.

Here is nothing at all built, himself is in *England*, and hath been there these seven Years. There are not above three or four poor *English* Men upon the Land. All the Land is inhabited with *Irish*.

CLXVIII. 2000 acres.

Francis Sacbeverill Esq; hath two thousand acres, called *Mullalleish* and *Leggacorry*.

I find planted and estated upon this Land of *Brittish* Tenants.

Freeholders 3, viz.

1 having 150 acres.

1 having 120 acres.

1 having 100 acres.

Leffees for Years 18, viz.

1 having 220 acres.

5 having 100 acres le piece.

1 having 95 acres.

1 having 80 acres.

1 having 74 acres.

4 having 60 acres.

2 having 40 acres le piece.

1 having 12 acres.

1 having 15 acres.

1 having 30 acres.

Total 21 Families, who, with their under Tenants, are able to make 50 Men with Arms.

CLXIX.

CLXIX. 1500 acres.

John Dillon Esq; hath one thousand five hundred acres, called *Mullabane*.

Upon this Proportion there is a House begun some three Years since, but is not half finished, being of Brick and Lyme, and a very fair Building. There is no Bawne. He hath great store of Tenants, the which have made two Villages, and dwell together.

I find planted and estated upon this Land of *Brittish* Families

Free-holders 3, viz.

3 having 120 acres le piece.
his Sons.

Lessees for lives 18, viz.

3 having 100 acres jointly.
4 having 100 acres jointly.
2 having 100 acres le piece.
2 having 80 acres le piece.
1 having 70 acres.
5 having 60 acres le piece.
1 having 50 acres.

Total 29 Families, who,
with their under Tenants,
are able to make 40 Men
with Arms.

Lessees for Years 8, viz.

1 having 47 acres.
2 having 30 acres le piece.
1 having 40 acres.
1 having 30 acres.
1 having 23 acres.
1 having 20 acres.
1 having 10 acres.

The

The Precinct of the *Fewes*, allotted to *Scottish* Undertakers.

CLXX. 1000 acres.

Henry Atcheson Esq; hath a thousand acres called *Coolemalish*.

There is upon this a Bawne of Clay and Stone, being an hundred and twenty feet long, and eighty feet broad, with four Flankers. In this Bawne there is a House, the one half is Stone and Lyme, and the upper Part is Timber. I find a great number of Tenants on this Land, but not any that have any Estates, but by Promise, and yet they have been many Years upon the Land. There are nominated to me two Freeholders, and seventeen Leaseholders, all which were with me, and took the Oath of Supremacy, and petitioned unto me, that they might have their Leases; the which Mr. *Atcheson* seemed to be willing to perform it unto them presently. These are able to make thirty Men with Arms. Here is great store of Tillage.

CLXXI. 1000 acres.

James Craig was the first Patentee.

John Hamilton Esq; hath a thousand acres called *Magbarientrim*.

Upon this there is a Bawne of Stone and Clay, being fifty feet square, twelve feet high, with two Flankers.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders

Freeholders two, viz.

- 1 having 200 acres.
- 1 having 100 acres.

Lessees for Years 6, viz.

- 1 having 120 acres.
- 2 having 60 acres le piece.
- 1 having 96 acres.
- 1 having 60 acres.
- 1 having 50 acres.

Total 20 Families, able to make 30 Men with Arms. And these have all taken the Oath of Supremacy.

Cottagers twelve, viz.

Each of these have a Tenement and a Garden Plott, with Commons for their Cows.

CLXXII. 1000 acres.

William Lawders was the first Patentee.

John Hamilton Esq; hath a thousand acres called *Kilruddan*.

Upon this there is a Bawne of Stone and Clay sixty feet square, twelve feet high, with two Flankers, and a House in it. Near to the Bawne there are seven Houses, being inhabited with *Brittish* Tenants.

I find planted and estated upon this Land of *Brittish* Tenants.

Freeholders two, viz.

- 2 having 120 acres le piece.

Lessees for Years 5, viz.

- 2 having 120 acres le piece.
- 1 having 60 acres.
- 2 having 66 acres le piece.

Total seventeen, able to make thirty Men armed; and all these have taken the Oath of Supremacy.

Cottagers ten, viz.

Each of these have a Tenement and Garden Plott, with Commons for their Cattle.

CLXXIII.

CLXXIII. 500 acres.

John Hamilton Esq; hath 500 acres called *Edenagh*.

The other five hundred acres were gotten from him by the Dean of *Ardmagh*. Upon this there is a Bawne of Stone and Clay, pointed with *Lyme*: There are near the Bawne six Houses inhabited with *Brittish* Tenants.

I find planted and estated upon this Land of *Brittons*.

Freeholder one, viz.

1 having 120 acres.

Lessees for Years 4, viz.

1 having 120 acres.

1 having 100 acres.

1 having 80 acres.

1 having 30 acres.

Cottagers five.

Each of these have a Tene-
ment and a Garden Plott,
with Commons for their
Cattle.

Total ten Families, who
with their under Tenants
are able to make twenty
two Men with Arms; and
all these have taken the
Oath of Supremacy.

CLXXIV. 2000 acres.

Sir James Douglas was the first Patentee.

Archibald Atcheson Esq; hath 2000 acres called *Clancarny*.

Upon this there is a Bawne of Stone and *Lyme*, being an hundred feet long, eighty feet broad, and ten feet high, with four Flankers two Stories high, and thirteen feet wide, within the Walls, which serve for good Lodgings. There is also a Castle begun, which is eighty feet in length, twenty two feet wide, and is now two Stories high. There are near to the Bawne seven Houses inhabited with *British* Tenants. He hath in the Bawne great store of Arms, which will arm 129 Men.

I find

I find planted and estated upon this Land of *Brittish* Families.

Freeholders four, viz.

- 1 having 200 acres.
- 3 having 100 acres le piece.

Lessees for Years 20, viz.

- 1 having 200 acres.
- 2 having 180 acres le piece.
- 1 having 120 acres.
- 4 having 60 acres le piece.
- 6 having 60 acres jointly.
- 2 having 60 acres jointly.
- 4 having 60 acres jointly.

Cottagers, five, viz.

Each of these have a House and Garden Plott, with Commons for their Cattle.

Total 29 Families, who, with their under Tenants are able to make an hundred and forty four Men with Arms. Besides he hath built a Town called *Clancarny*, where he hath 29 *Brittish* Tenants dwelling; each of them having some small parcels of Land; so that in the whole number he can make 173 men armed.

The Precinct of *Orior*, allotted to Settlers and Natives.

CLXXV. 500 acres.

Sir *John Davies* Knight hath five hundred acres, called *Corneebino*.

Upon this there is nothing at all built, nor so much as an *English* Tenant on the Land.

CLXXVI. 1500 acres.

Sir *Oliver St. John* Knight hath fifteen hundred Acres, called *Balle Moore*.

For building there cannot be more spoken than what hath been formerly by Sir *Josias Bodly*, only the Town is increased in Buildings, being all inhabited with *English* Tenants. There are nine *Irish* Families in the Town, which

which come to Church, and have taken the Oath of Supremacy.

CLXXVII. 1000 acres.

The Lord *Moore* hath one thousand Acres, called *Ballemoneban*.

Upon this there is a Bawne of Lime and Stone, very near one hundred Feet square, with two Flankers; in one of them there is a small House built, being inhabited by an *Irisbman*.

CLXXVIII. 2000 acres.

Henry Bowcher Esq; hath two thousand Acres, called *Claire*.

Upon this Proportion there is a Bawne of Lyme and Stone, being one hundred Feet in length, and eighty Feet in Breadth, and fourteen Feet high, with two Flankers. There is now in building a good strong Stone House which is fully two Stories high, and a number of Workmen labouring for the speedy finishing thereof.

CLXXIX. 1000 acres.

Captain *Anthony Smith* hath one thousand Acres.

Upon this there is a Bawne of Stone and Clay, which was formerly begun by Sir *Thomas Williams*. The said Captain hath begun another Bawne of Stone and Lyme, being in a more convenient Place, the which shall be eighty Feet square, with two Flankers, and a good Stone House thirty Feet long, and twenty Feet broad. This is undertaken to be finished by *July*; for there are a great Number of Men at work.

CLXXX. 200 acres.

Lientenant *Poyns* hath two hundred Acres, called *Curriator*.

Upon this there is a Bawne of eighty Feet square, the lower part whereof is of Stone and Clay, with a House in it; but he not liking of the Seat hath begun a Bawn of one hundred Feet square, with three Flankers, and a large House,

House, all which shall be of Brick and Lime, which is there now in the Place, with Workmen labouring very hard, and is undertaken to be finished by *August*.

CLXXXI. 1000 acres.

Henry Mc-Shane O-Neal hath one thousand Acres, called *Camlogb*; but he, being lately dead, it is in the Hands of *Sir Toby Caulfield*, who intendeth to do something upon it; for as yet there is nothing built.

L O N D O N - D E R R Y, C I T Y and C O U N T Y.

CLXXXII.

The City of *London-Derry* is now compassed about with a very strong Wall, excellently made, and neatly wrought; being all of good Lime and Stone; the Circuit whereof is two hundred and eighty four Perches and $\frac{2}{3}$ at eighteen Feet to the Perch; besides the four Gates which contain eighty four Feet; and in every Place of the Wall it is twenty four Feet high, and six Feet thick. The Gates are all Battlemented, but to two of them there is no going up, so that they serve to no great Use, neither have they made any Leaves for their Gates; but make two Draw-Bridges serve for two of them, and two Portcullices for the other two. The Bullwarks are very large, and good, being in Number nine; besides two half Bullwarks; and for four of them there may be four Cannons, or other great Pieces; the rest are not all out so large, but wanteth very little. The Rampart within the City is twelve Feet thick of Earth; all things are very well and Substantially done, saving there wanteth a House for the Soldiers to Watch in, and a Centinell House for the Soldiers to stand in in the Night to Defend them from the Weather; which is most Extream in these Parts. Since the last Survey there is built a School, which is sixty seven Feet in length, and twenty five Feet in breadth, with two other

PYNNAR'S Survey of Ulster.

other small Houses. Other building there is not any within the City. The whole Number of Houses within the City are ninety two, and in them there are one hundred and two Families, which are far too few a Number for the Defence of such a Circuit; they being scarce able to Man one of the Bullwarks; neither is there Room enough to set up one hundred Houses more, unless they will make them as little as the first, and Name each Room for a House.

CULMOORE FORT.

CLXXXIII.

This Fort or Block-House of *Culmoore* is now in the Hands of Captain *John Baker*; the Walls are now finished, and the Castle Built; all which is strong and neatly Wrought, with Platforms for their Artillery; and this is the only Key and Strength of the River that goeth to the *Derry*.

COLERANE.

CLXXXIV.

The Town of *Colerane* is at the same State it was at the last Survey; there are but three Houses added more to the Building, which are done by other Men; only the City hath allowed them twenty Pounds a Piece towards their Building.

That Part of the Town, which unbuilt, is so extream Dirty, that no Man is able to go in it, and especially that which should and is accounted to be the Market Place.

The Walls and Ramparts, built of Sodds, and filled with Earth, do begin to Decay very much, and to Moulder away; for the Ramparts are so Narrow, that it is impossible they should stand, and the Bullwarks are so exceeding little, that there cannot be placed any piece of Artillery, if Occasion were. There are two small Ports
which

which are made of Timber and Boards, and they serve for Houses for the Soldiers to Watch in.

This Town is so poorly inhabited, that there are not Men enough to Man the sixth Part of the Wall.

GOULD-SMITHS-HALL.

CLXXXV. 3210 acres.

John Freeman Esq; hath this Proportion, containing by Estimation three thousand two hundred and ten Acres.

Upon this Proportion there is a Bawn of Lime and Stone, one hundred Feet square, sixteen Feet high, with four Flankers. Also there is a large Castle or Stone House in building within the Wall, which was two Stories high, and the Workmen earnestly at Work to finish it with all haste. There are also six Houses of Stone, and six of Timber, very Strong and well built, and seated in a very good and convenient Place for the King's Service.

I find planted and estated upon this Land of Brittons Tenants.

Freeholders 6, viz.

- 1 having 180 acres.
- 5 having 60 acres le piece.

Lessees for Years 24, viz.

- 2 having 300 acres le piece.
- 2 having 120 acres le piece.
- 1 having 100 acres.
- 10 having 60 acres le piece.
- 1 having 50 acres.
- 4 having 40 acres le piece.
- 2 having 30 acres le piece.
- 1 having 46 acres.
- 1 having 20 acres.

Total 30 Families, who, with their Undertenants, are able to make 90 Men armed, and have taken the Oath of Supremacy.

GROCERS-HALL alias *Muffe*.

CLXXXVI. 3210 acres.

Edward Rone had this Proportion; but he being dead there is no body to aver for the Buildings.

Upon this Proportion there is a Bawne in building, being one hundred Feet square, with four Flankers, the Walls are now five Feet high. By this Bawne there are built four good strong Houses of Lime and Stone, and well slated. There are four more that are built in other Places, somewhat further off. There are other Houses of Lime and Stone, that are upon the Land dispersed; but they are built by the Tenants themselves; and yet they have no Estates, and likely, as they tell me, to be removed, some of them having spent upon their building one hundred Pounds; and this is through the Slackness of the Company that have not made Estates to the Undertakers. All this Land for the most Part is inhabited with *Irish*.

FISHMONGERS-HALL, alias *Ballykelle*.

CLXXXVII. 3210 acres.

This Proportion is in the Hands of *James Higgins*, a Merchant of *London*, whose Agent is here resident.

Upon this there is built a strong Bawne of Stone and Lime, one hundred and twenty five Feet square, twelve Feet high, with four Flankers, and a good House within it, being fifty Feet square, all finished and inhabited by the Agent, and furnished with good Store of Arms.

There are near to the Castle fifteen Houses, whereof three are of Stone and Lime; the rest are of Timber, and are rough cast with Lime and slated. These stand in a convenient Place for Service. There is also a Church
near

near built, which is forty three Feet long, twenty six wide, neatly made up, and a good Preacher to teach the People.

I find planted and estated upon this Land of *Brittish* Tenants.

Freeholders 6, viz.

5 having 160 acres le piece.
1 having 120 acres.

Lessees for Years, 28, viz.

1 having 240 acres.
2 having 280 acres le piece.
4 having 120 acres le piece.
8 having 60 acres le piece.
1 having 90 acres.
6 having 20 acres le piece.
3 having 60 acres le piece.
3 having 30 acres le piece.

Totall 34 Families, which, with their Undertenants, are able to make 40 Men with Arms.

IRON-MONGERS-HALL.

CLXXXVIII. 3210 acres.

George Cammyngc, Agent for the Company, is here resident; but he hath no Order to make any Estates to any Tenants; that are come thither to dwell; notwithstanding there are divers that have disbursed a great deal of Money, and built good Houses. All that these Men can get are Articles of Agreement for thirty one Years; but they fear that this may be altered by others that may come after: Notwithstanding they pay for every Town Land, which they Account to be but sixty Acres, five Pounds, ten Shillings, or five Pounds per Annum. The Uncertainty of this is a great hindrance of the Plantation. The Castle, which was formerly begun, is thoroughly finished, being a very good and strong Castle; and there is a Bawne of Brick and Lime, whereof there are but three Sides done, withort Flankers, which maketh the Place of

no Strength. There are also eight dwelling Houses of Cage Work, some are slated, and some shingled; but they stand so far asunder that they can have but little Succour one of another. Besides here is an Infinite Number of *Irisb* upon the Land, which give such great Rents, that the *Englisb* cannot get any Land.

MERCER'S-HALL, alias Mavanaway.

CLXXXIX. 3210 acres.

This is not set to any Man as yet; but is held by one *Vernon*, Agent for the Company.

Upon this Proportion the Castle, which was formerly begun, is now thoroughly finished, being not Inferior to any that is Built; for it is a good strong Work, and well Built, and a very large Bawn of one hundred and twenty Feet square, with four Flankers, all of good Stone and Lime. Not far from the Bawne there are six Houses of Cage-Work, some covered with Shingles, and some thatched, and inhabited by such poor Men as they could find in the Country; and these pay such dear Rates for the Land, that they are forced to take *Irisb* Tenants under them to pay the Rent. There are divers other Houses of slight building, but they are far off, and dwell dispersedly in the Wood, where they are forced of meer necessity to relieve such Wood; Kearn as go up and down the Country; and, as I am informed by Divers in the Country, there are in forty six Town Lands of this Proportion, that are set to the *Irisb* of the Sept of *Clandonells*; which are the wickedest Men in all the Country.

MERCHANT-TAILORS-HALL. alias *Macoskin*.

CXC. 3210 acres.

This is in the Hands of *Valentine Hartopp* Esq; who is newly come to dwell there, having taken this Proportion of the Company for sixty one Years. This Castle is finished,

ished, being fifty Feet long, and thirty four Feet wide; the Castle is battlemented, and built very Strong. There is no Bawne begun as yet; but the Gentleman is causing Stone and Lime to be laid in readines, that they may go roundly away with it. Here, near unto the Castle, are built seven good Houses of Stone and Lime, well slated and inhabited with *English*, standing altogether in a well chosen Place. There is a fair large Church well finished, being eighty six Feet long, and thirty two Feet broad, the Roof set up and ready to be slated.

I find planted and estated on this Land of *Brittish* Tenants.

Free-holders six, *viz.*

6 having 60 acres le piece.

Lessees for Years 18, *viz.*

1 having 210 acres.

1 having 180 acres.

3 having 120 acres le piece.

5 having 60 acres le piece.

2 having 60 acres jointly.

6 having 36 acres le piece.

Totall 29 Families, able to make 40 Men with good Arms; for here is great Store.

Cottagers, 5, *viz.*

Each of these have a House and a Garden Plot, with three acres of Land.

HABBERDASHERS-HALL, alias *Ballycastle*.

CXCI. 3210 acres.

Sir *Robert Mac Lellan* hath taken this of the Company for sixty one Years; and upon this the Castle is strongly finished, being very Strong and well Wrought, himself with his Lady and Family dwelling in it. There is no Bawn nor Sign of any, nor any other kind of Building, more than slight Houses after the *Irish* manner, which are dis-

perfed all over the Land. The Church lyeth ftill as at the firft, and nothing at all doing unto it. There were nominated unto me fix Free-holders, which were in *Scotland*, and thefe were fet down but for fmall Quantities; and twenty one Leafe-holders, but not any one of thefe could fhew me any thing in writing for their Eftates; neither could the Landlord fhew me any Counterpains. It is true I faw the Land planted with *Brittish* Tenants to the Number of eighty Men, and in the Caftle Arms for them.

CLOTHWORKER'S-HALL.

CXCII. 3210 acres.

The faid Sir *Robert* hath taken this Proportion of the Company for fixty one Years; and upon this there is a Caftle of Lime and Stone, fifty four Feet long, thirty four Feet wide, and twenty eight Feet in height; but this is not as yet covered, neither no Plantation with any *Brittish* Tenants, but only one Free-holder, which is the Parfon of the Parifh. For all this Land is inhabited with *Irifh*.

SKINNER'S HALL, alias Dungeven.

CXCIII. 3210 acres.

The Lady *Dodington*, late Wife to Sir *Edward Dodington* deceased, is in Poffeffion of this, fhe having a Grant of it from the Company for fixty one Years. Here is built a ftrong Caftle, being two Stories high and a half, with a large Bawn of Lyme and Stone, well fortified. In this the Lady is now dwelling, with twenty four in her Family. There is alfo in another place of this Land, called *Croffalt*, a ftrong Caftle of Lyme and Stone built by Sir *Edward*, being eighty Feet long, and thirty four feet broad, with two Turrets to flank it; alfo a Bawn of Lyme and Stone, an hundred Feet fquare, fourteen Feet, and four Flankers; fo that on this Proportion there are two Bawnes and two Caftles, with two Villages, containing twelve Houfes

Houfes a piece. At each Castle also there is a Church adjoining to the Castle, and a good Teacher to instruct the People. There is plenty of Arms in these Castles.

I find planted and estated on this Land of *Brittish* Tenants.

Freeholders, seven, viz.

1 having 200 acres.

6 having 120 acres le piece.

Lessees for Years, eight, viz.

1 having 300 acres.

4 having 160 acres le piece.

3 having 100 acres le piece.

In Total 27 Families resident on the Land, and are able to make with their under Tenants 80 Men.

Cottagers twelve, viz.

Each of these have a House and Garden Plott and some of them three acres of Land, and some two acres.

VINTNER'S HALL.

CXCIV. 3210 acres.

This is in the Hands of *Baptist Jones* Esq; who hath built a Bawn of Brick and Lyme, an hundred Feet square, with two round Flankers, and a good Rampart, which is more than any of the rest have done. There are also within the Bawn two good Houses, one opposite to the other, the one is seventy Feet long and twenty five Feet wide; the other is nothing inferior unto it. Near unto the Bawn he hath built ten good *English* Houses of Cage-Work, that be very strong and covered with Tiles, the Street very wide, and is to be commanded by the Bawn. All these are inhabited with *English* Families, and himself with his Wife and Family be resident therein. There are divers other good Houses built upon the Land, which are further off; and these do use Tillage plentifully after the *English* manner. He hath made his full number of Freeholders and Leaseholders; but he being gone into *Eng-*

PYNNAR's Survey of Ulster.

land, and his Tenants at the Assizes, I saw them not. There was good store of Arms in his House, and upon the Land seventy six Men as I was informed.

DRAPER's HALL, alias
Moneymore.

CXCV. 3210 acres.

This Proportion is not set to any Man, but is held by the Agent Mr. *Ruffel*. Upon this there is a strong Bawn of Stone and Lyme an hundred Feet square, fifteen Feet high, with two Flankers. There is a Castle within the Bawne of the same wideness, being Battlemented, the which hath also two Flankers, and near finished. Right before the Castle there are built twelve Houses, whereof six are of Lime and Stone very good, and six of Timber, inhabited with *English* Families; and this the best Work that I have seen for building; a Water-Mill and a Mault-House also. A quarter of a Mile from the Town there is made a Conduit Head, which bringeth Water to all Places in the Bawn and Town in Pipes: But these Tenants have not any Estates; for the Agent can make none, neither will they, till such time as their Land can be improved to the utmost. Within this Castle there is good store of Arms.

SALTER's HALL.

CXCVI. 3210 acres.

Hugh Sayer is upon this Proportion, and upon this they have built in two several places at *Marifelt*. There is a Bawn of eighty Feet square of Lyme and Stone, with two Flankers, and the Castle is now in building, being sixty Feet long, and twenty Feet wide. This is now three Stories high, and the Roof ready to be set up. The Walls of the Bawn are not as yet above ten feet high. Near unto the Bawne there are seven Houses of flight Cage-Work, whereof five are inhabited with poor Men, the other two
stand

stand waste. The other place called *Salter's Town* hath a Bawne of Stone and Lyme seventy feet square, twelve feet high, with two Flankers, and a poor House within it of Cage-Work, in which the Farmer, with his Wife and Family, dwelleth. Here are also nine Houses of Cage-Work standing by the Bawn, being inhabited with *Brittish* families, also a Sawing Mill for Timber ; but the Glas Houses are gone to decay, and utterly undone ; there are not any upon this Land that have any Estates.

A B R I E F

**A BRIEF of the general State of the
Plantation for Persons Planted in the
several Counties contained in this
Book.**

County of C A V A N.

| | | | | |
|-------------------|---|---------------|---|-------|
| Freeholders | — | — | — | 68 |
| Lessees for Lives | — | — | — | 20 |
| Lessees for Years | — | — | — | 168 |
| Cottagers | — | — | — | 130 |
| | | | | <hr/> |
| | | Families | — | 386 |
| | | Bodies of Men | — | 711 |
| | | | | <hr/> |

County of F E R M A N A G H.

| | | | | |
|-------------------|---|---------------|---|-------|
| Freeholders | — | — | — | 59 |
| Lessees for Lives | — | — | — | 10 |
| Lessees for Years | — | — | — | 117 |
| Cottagers | — | — | — | 75 |
| | | | | <hr/> |
| | | Families | — | 321 |
| | | Bodies of Men | — | 645 |
| | | | | <hr/> |

County of D O N A G A L L.

| | | | | |
|-------------------------------|---|-----------------|---|--------|
| Freeholders | — | — | — | 59 |
| Lessees for Lives | — | — | — | 25 |
| Lessees for Years | — | — | — | 217 |
| Cottagers | — | — | — | 46 |
| Families that have no Estates | — | — | — | 70 |
| | | | | <hr/> |
| | | Families in all | — | 417 |
| | | Bodies of Men | — | 1106 |
| | | | | <hr/> |
| | | | | County |

County of TYRONE.

| | | | | |
|-------------------|---|---------------|---|-------|
| Freeholders | — | — | — | 84 |
| Leasees for Lives | — | — | — | 26 |
| Leasees for Years | — | — | — | 183 |
| Cottagers | — | — | — | 154 |
| | | | | <hr/> |
| | | Families | — | 447 |
| | | Bodies of Men | — | 2469 |
| | | | | <hr/> |

County of ARDMAGH.

| | | | | |
|-------------------|---|---------------|---|-------|
| Freeholders | — | — | — | 39 |
| Leasees for Lives | — | — | — | 18 |
| Leasees for Years | — | — | — | 190 |
| Cottagers | — | — | — | 43 |
| | | | | <hr/> |
| | | Families | — | 290 |
| | | Bodies of Men | — | 642 |
| | | | | <hr/> |

County of LONDON-DERRY.

| | | | | |
|-------------------|---|---------------|---|-------|
| Freeholders | — | — | — | 25 |
| Leasees for Years | — | — | — | 78 |
| Cottagers | — | — | — | 16 |
| | | | | <hr/> |
| | | Families | — | 119 |
| | | Bodies of Men | — | 642 |
| | | | | <hr/> |

The whole Content of the Six Counties.

| | | | |
|-------------------|---|-------|------------|
| Freeholders | — | 334 | |
| Leasees for Lives | — | 99 | |
| Leasees for Years | — | 1013 | |
| | | <hr/> | |
| Families | — | 1974 | |
| Bodies | — | 6215 | with Arms. |

May

May it please your Lordships,

I Have in the Book before written set down all the Particulars I find of the State of the Plantation of his Majesty's escheated Lands in *Ulster* now to stand.

And, *First*, it appears by the Particulars, that in the *Brittish* Families within mentioned, there are 6215 Bodies of Men; but I may presume further to certify partly by observing the Habitation of these Lands, and partly by conferring with some of Knowledge among them, that upon Occasion, there may be found in those Lands at least 8000 Men of *Brittish* Birth and Discent, to do his Majesty Service for defence thereof, though the fourth Part of the Land is not fully inhabited.

Secondly, It appears by the Particulars, that there are now built within the Counties of *Ardmagh, Tyrone, Donagall, Fermanagh, Cavan, and London-Derry*, 107 Castles with Bawnes, 19 Castles without Bawnes, 42 Bawnes without Castles or Houses, 1897 Dwelling Houses of Stone and Timber, after the *English* manner in Townreeds, besides very many such Houses in several parts which I saw not; and yet there is great want of Buildings upon these Lands, both for Townreeds and otherwise: And I may say, that the abode and continuance of those Inhabitants upon the Lands is not yet made certain, although I have seen the Deeds made unto them. My Reason is, that many of the *English* Tenants do not yet plough upon the Lands, neither use Husbandrie; because, I conceive they are fearful to stock themselves with Cattle or Servants for those Labours. Neither do the *Irish* use Tillage; for that they are also uncertain of their stay upon the Lands; so that, by this means, the *Irish* ploughing nothing, do use greasing, the *English* very little, and were it not for the *Scottish* Tenants, which do plough in many places of the Country, those Parts may starve; by Reason whereof the *Brittish*, who are forced to take their Lands at great Rates, do lie at the greater Rents, paid unto them by the *Irish* Tenants, who do grease their Land; and if the *Irish* be put away with their Cattle, the *Brittish* must either
forake

forſake their Dwellings, or endure great Diſtreſs on the ſuddain. Yet the Combination of the *Iriſh* is dangerous to them, by robbing them, and otherwiſe. I obſerve the greateſt number of *Iriſh* do dwell upon the Lands granted to the City of *London*; which happeneth, as I take it, two ways, *Fiſt*, There are five of the Proportions aſſigned to the ſeveral Companies, which are not yet eſtated to any Man, but are in the Hands of Agents; who finding the *Iriſh* more profitable than the *Brittiſh* Tenants, are unwilling to draw on the *Brittiſh*, perſwading the Company, that the Lands are Mountainous and unprofitable, not regarding the future Security of the whole: *Secondly*, The other ſeven of the Proportions are leaſed to ſeveral Perſons for 61 Years, and the Leſſees do affirm, that they are not bound to plant *Engliſh*, but may plant with what People they pleaſe: neither is the City of *London* bound to do it by their Patents from his Majeſty, as they ſay; and by theſe two Actions, the *Brittiſh* that now are there, who have many of them built Houſes at their own Charges, have no Eſtates made unto them, which is ſuch Diſcouragement unto them, as they are minded to depart the Land; and without better Settlement will ſeek elſewhere, wherein it is very fit, the City have Direction to take a preſent Courſe, that they may receive their aſſurances; and this being the Inconveniency, which in this Survey I have obſerved, further than what was ſet down formerly by Sir *Jofias Bodley*'s laſt Survey, I have thought good to make the ſame known to your Lordſhips, ſubmitting the further Conſideration thereof to your Lordſhips deep Judgment.

NICHOLAS PYNAR.

Mr.

Mr. Pynnar's TABLE or INDEX for the ready finding any of the Un- dertakers, and Patentees, named in the Book.

- A** Bercorn, *Earl of*, 192, Blenerhassett, Thomas, 166.
 193, *ib.* *ibid.*
 Adwick, *Mr.* 149, 158, *ibid.* Boide, *Sir* Thomas, 194.
 Aghmotie, Alexandr and John, Boges, Robert, 161.
 154. Boucher, Henry, 223.
 Ameas, Peter, 151. Brombe, *Lady*, 174.
 Annesley, *Sir* Francis, 210. Bromlow, William, 212.
 Archdale, John, 164, 170. Brooke, *Sir* Basill, 188.
 Ash, *Sir* Thomas, 144, *ibid.* Broughton, *Lady*, 176.
 145, *ib.* Browne, John, 155.
 Ash, John, 145. Browne, *Lieutenant*, 190.
 Atcheson, Archibald, 155, Burley, *Lord*, 157, 201.
 200. Butler, *Sir* Stephen, 149,
 Atcheson, Henry, 200. 150, 159.
 Atkinson, Roger, 168. Calvert, Robert, 162.
 Atkinson, *Lieutenant*, 152, Cammynge, George, 227.
 Aubigney, *Lord*, 140. Castlehaven, *Earl of*, 197,
 Awley, Mc. Alexander, *alias* 198, *ib.* *ib.*
 Stewart, 179. Caulfield, *Sir* Toby, 209.
 Baker, *Captain* John, 224. Chichester, *Lord*, 208.
 Barns, *Sir* William, 186. Chichester, *Sir* Thomas, 188.
 Bartley, *Sir* Maurice, 185. Clapham, James, 196.
 Barton, Thomas, 163. Clothworker's-Hall, 230.
 Bealey, William, 143. Coach, *Sir* Thomas, 185.
 Bellford, *Sir* James, 157. Cole, *Sir* William, 166, 169.
 Benson, Peter, 181. Cope, *Mr.* 214.
 Bingley, *Sir* Ralph, 184, *ib.* Cope, *Sir* Anthony, 203.
 Sir Rich. 190. Cope, *Sir* William, 203.
 Blenerhassett, *Sir* Edward, 166. Coleraine Town, 224.
 Blenerhassett, Francis, 166. Cornwall, *Sir* Thomas, 182.
 Craiford,

- | | |
|--|--|
| <p>Craiford, <i>Captain</i>, 187. Craige, <i>Sir James</i>, 154, 218. Culme, <i>Captain</i>, 144, <i>ibid.</i> 145, 155. Culmoore <i>Fort</i>, 224. Cunningham, <i>Sir James</i>, 178. Cunningham, <i>John</i>, 176. Cunningham, <i>James</i>, 177. 178. Cunningham, <i>Alexander</i>, 176. Cunningham, <i>Cuthbert</i>, 178. X Davis, <i>Sir John</i>, 162, 199, 221. Davis, <i>Thomas</i>, 182. Davis, <i>Robert</i>, 182. Derry City, 223. Dillon, <i>John</i>, 217. Dodington, <i>Lady</i>, 230. Douglas, <i>Sir James</i>, 220. Draper's-Hall, 232. Dromond, <i>Sir John</i>, 197. Dunbar, <i>Alexander</i>, 175. Dunbar, <i>John</i>, 172. Dun-Duffe, <i>Laird of, alias</i> <i>William Stewart</i>, 179, 188, 189, 196, 202. Dutton, <i>Captain Thomas</i>, 174. Edney, <i>Captain</i>, 201. Ellis, <i>Lieutenant</i>, 190. Elliott, <i>Sir John</i>, 144. Fish, <i>John</i>, 148. Fishmonger's-Hall, 226. Fleming, <i>Captain</i>, 152. Flower, <i>Henry</i>, 165. Flowerdew, <i>Thomas</i>, 160, 165. Folliot, <i>Sir Henry</i>, 167. Freeman, <i>John</i>, 225. Fuller, <i>William</i>, 171. Gale, <i>Lieutenant</i>, 190. Garth, <i>Lieutenant</i>, 144.</p> | <p>Gill, <i>James</i>, 170. Goldsmith's-Hall, 225. Gore, <i>Captain Paul</i>, 168, 190. Grocer's-Hall, 226. Grymes, <i>Sir George</i>, 156. Grymes, <i>Sir Richard</i>, 156. Haige, <i>James</i>, 196. Haberdasher's-Hall, 229. Hamilton, <i>Sir Alexander</i>, 153. Hamilton, <i>Sir Claude</i>, 154. Hamilton, <i>Jane</i>, 153, 154. Hamilton, <i>Sir James</i>, 140. Hamilton, <i>Sir George</i>, 194, 195, 196. Hamilton, <i>John</i>, 141, 219, 220. Hamilton, <i>Malcolme</i>, 170. Hamilton, <i>Sir Robert</i>, 170. Hamilton, <i>William</i>, 142, 175. Hansard, <i>Sir Richard</i>, 189. Hartopp, <i>Valentine</i>, 228. Harrilon, <i>Mrs.</i> 163. Hart, <i>Captain Henry</i>, 189. Hatton, <i>Edward</i>, 161. Heron, <i>John</i>, 215. Heyborne, <i>Sir Robert</i>, 204. Higgins, <i>James</i>, 226. Horne, <i>Reinald</i>, 150. Humes, <i>Alexander</i>, 171. Humes, <i>George</i>, 171. Humes, <i>Sir John</i>, 171, 172. Hunings, <i>Henry</i>, 165. Jones, <i>Baptist</i>, 231. Jones, <i>Joseph</i>, 152. Ironmonger's-Hall, 227. Kennedae, <i>David</i>, 208. Kinkell, <i>Lady</i>, 158. Kingmill, <i>Edward</i>, 202.</p> |
|--|--|

Kingsmill,

X Books found in the library

Robert James T. P. 111 115.

Folio Calendar . p 365 -

- Kingsmill, *Sir* John, 183.
 186, 187.
 Lambert, *Lord*, 152, *ibid.*
 Lauders, William, 219.
 Leigh, John, 201.
 London-Derry, 223.
 Lowther, *Sir* Gerrard, 163,
ibid. 201.
 Luffe, *Laird of*, 180.
 Lyndfey, Jeremy, 169.
 Lyndfey, Robert, 206.
 Lyndfey, *Mrs.* 206.
 Lyndfey, Bernard, 206.
 Lyons, *Captain*, 152.
 Lynne, William, 190.
 Macculloch, James, 176.
 Mac-Ke, *Sir* Patrick, 174.
 Mc. Lelan, *Sir* Robert, 229,
 230.
 Magauran, 156.
 Maguire, Brian, 169.
 Mannering, *Sir* George, 150.
 Mansfield, *Captain*, 183.
 Marbury, *Sir* George, 187.
 Mercer's-Hall, 228.
 Merchant-Tailor's-Hall, 228.
 Moore, *Lord*, 222.
 Moore, Archibald, 145, 152.
 Mountwhaney, *Laird of*, 158.
 Mostion, Pierce, 163.
 Muffe, *or* Grocer's-Hall, 226.
 Murrey, John, 172, 175.
 Newcomen, *Sir* Robert, 196.
 O-Boyle, Tirlagh-roe, 191.
 Obbins, *Mr.* 213.
 O-Neale, Con Mc. Shane,
 168.
 O-Neale, Henry Mc. Shane,
 223.
 O-Neale, Tirlagh, 211.
 O-Reley, Shane Mc. Philip,
 145.
 O-Reley, Mulmory Mc. Phi-
 lip, 145.
 O-Reley, Mulmory Oge, 146.
 O-Reley, Mulmory, Mc.
 Hugh, 153.
 O-Reley, *Captain*, 145.
 Parsons, William, 156, 203,
 210.
 Perkins, *Lieutenant*, 190.
 Phettiplace, *Sir* Edmond, 144.
 Plomstead, Thomas, 141.
 Powell, William, 213.
 Poyns, *Lieutenant*, 222.
 Remington, *Sir* Robert, 184.
 Ridgwaie, *Lord*, 199, 200,
 209.
 Ridgway, *Captain*, 144, 162.
 Ridgwaie, George, 162, 200.
 Richardson, Alexander, 206.
 Rone, Edward, 226.
 Roe, *Sir* Francis, 210.
 Roulstone, Richard, 215.
 Rowley, Nathaniel, 190.
 Russell, *Lieutenant*, 152.
 Russell, *Captain*, 183.
 Russell, *Mr.* 232.
 Sacheverell, Francis, 216.
 Salter's-Hall, 232.
 Sandford, *Captain*, 190.
 Sayer, Hugh, 232.
 Sanderfon, *Captain*, 205.
 Say, *Lord*, 214.
 Sedborough, John, 160.
 Sibthorp, Edward, 165.
 Skinner's-Hall, 230.
 Smelhome, George, 159.
 Smith, *Captain* Anthony, 222.
 Snow, William, 151.
 St. John, *Sir* Oliver, 213.
 221.
 Stanhowe, William, 216.
 Stewart, *Sir* John, 180, *ibid.*
 Stewart,

- Stewart, *Sir* William, *Laird* Telligh, Mc. Maurice, 146.
of Dunduffe, 179, 188, Thurston, John, 166.
 189, 202. Tirrill, *Captain* Richard, 146.
 Stewart, Andrew, 207. Tirrill, William, 146.
 Stewart, Robert, 207. Tirlagh, Mc. Philip, 153.
 Stewart, William, 175. Toodie, James, 175.
 Stewart, Alexander, *alias* Mc. Traile, James, 158.
 Awley, 179. Turvin, William, 201.
 Sutton, Harrington, 163. Vaughan, *Sir* John, 188.
 Swyne, Mac. *Sir* Mullmorie, Vaus, Patrick, 175.
 190. Uchiltre, *Lord*, 205.
 Swine, Mc. Banagh, 191. Vintner's-Hall, 231.
 Swine, Mc. Donnell Farne, Vernon, —, 228.
 191. Waldron, Thomas, 147.
 Swyne, Mc. Walter, Mc. Wisher, *Sir* John, 158.
 Laghlin, 191. Wiloughby, *Sir* Francis, 201.
 Taaffe, *Sir* William, 143. Wilson, William, 181, 186.
 Talbott, Walter, 155. Wingfield, *Lord*, 211.
 Taylor, John, 146. Wirrall, *Sir* Hugh, 149, 161.
 Terrie, Arthur, 189. Wray, John, 188.

A
L E T T E R

F R O M

Sir T H O M A S P H I L I P S,

T O

King C H A R L E S I.

Concerning the Plantations of the *Londoners*.

To my Sacred Sovereign King C H A R L E S.

May it please your most Excellent Majesty,

MY continual Zeal to your Majesty's Service solicites me not to be idle at any time in the Work committed to my Charge, and being no Orator, I have made bold (according to my Breeding) to discover myself and the Truth in Writing. Wherefore, in this Book I have collected the whole Proceeding of the *London* Plantation in the *North of Ireland*, with every particular, since the first Undertaking therein, and have made bold to present the same to your Majesty's most gracious View, to the End, their Abuses appearing unreasonable, I may
not

not only clear myself of their unjust Aspersions, reporting my zealous Pains in your Majesty's Service to be a wrongful and causeless Prosecution of mine own; but likewise evidently shew your great Losses sustained in the present Danger of that your Kingdom incurred by their avaritious Miscarrage in this their Undertaking, converting the pious Care of his late Majesty (of blessed Memory) and his Trust reposed in their Promises for the publick Good, to their peculiar and private Commodity.

That wise and gracious King, taking into his Care and princely Consideration the restoring and future Settlement of that defaced Kingdom, lately torn in Pieces with a long and miserable War, to the Effusion of much *English* Blood, and wasting of an unspeakable Mass of Treasure, and taking timely Occasion to perform the Work of that Care by the Advantage given him in the fugacy of the Rebels *Tirone* and *Tyrconnell*, he resolved upon the present Plantation of *Ulster* with *Brittish*; that Country having heretofore been the Nursery of all Rebellion in that Kingdom: And conceiving that the Ability of particular and private Undertakers would not be sufficient to answer and fortify so great a Work, he was pleased to invite the City of *London* to undertake a principal Part thereof.

Neither was this Undertaking pressed upon them (as they unjustly alledge) but fairly moved, as a Matter tending to their present Honour, and future Commodity; nor did they hastily assent, but after long and deliberate Counsel amongst themselves, four Agents were by them employed with me, to discover whether the Profits would answer the Report or no; who returning gave them Assurance, that all things were better than were propounded, or promised. Whereupon they undertook the Service with great Alacrity and Contentment.

Nevertheless, to the defrauding of that good King's Expectation, and the Hazard of that Kingdom, it is manifest, they have willfully failed in every particular; which his Majesty finding out in the Year 1613, commanded a Survey to be made, upon return whereof, the Committees for the City were convened before him, and sharply rebuked for their Miscarrage; and upon their Allegation, that they had disbursed 25,000*l.* which his Majesty (by the Survey) found false, there having not half so much been

spent in the Work, his Majesty publicly protested, that though they would be deceived, he would not; and therefore expected a present Amendment, and to encourage them the better he intimated thus much in a long and learned Speech then made unto them. "That when his Enemies should hear, that the famous City of *London* had a Footing therein, they would be terrified from looking into *Ireland* (as his Majesty expressed it) the Back-door to *England* and *Scotland*, where by reason of the many good Harbours unfortified and unguarded, an Enemy might make an easy Entrance, and in a few Hours over-run a great Part of his Dominions.

Thus they neglected for their private Profit fake the planting of Religion and Civility (the Seeds of Peace and Plenty) which his Majesty especially sought to sow for God's Service, and the Safety of the Country, so as what his Majesty intended should have been a Terror to his Enemies for looking into that Kingdom, is now become a Bait to invite them thither, where the chief Tenants and Inhabitants, being *Irish*, are prepared to entertain them.

This Abuse, by not planting with *Brittish* they would have avoided by a false Allegation, that they declared in Writing, they did absolutely refuse to undertake, unless they might be freed from the same; and thereupon (as they said) other Articles were drawn between the Lords, on his Majesty's behalf, and themselves, which never were, nor can be produced, nor was there any Treaty tending thereunto. For it is most unlikely, that his Majesty would give the City of *London* the Country, and part with so great a Revenue for their Profit only, and leave his own careful Ends for the Safety of that Kingdom unperformed; but so shameless are they, as to suggest any Untruths to colour or excuse their Misdeeds.

The great and extraordinary Care of his Majesty is to be seen in the Postscript of his Letter written with his own Hand to the Lord Deputy of *Ireland*, here in this Book inserted, whereof the Words are these, "My Lord, in this Service I expect that Zeal and Uprightness from you, that you will spare no Flesh, *English* nor *Scotch*: for no private Man's Worth is able to counterbalance the perpetual Safety of a Kingdom, which, this Plan-

"tation

"tation being well effected, will procure." Which Words, as they express his Majesty's Purpose plainly, so do they as plainly disprove their false Allegations. Some are likewise not ashamed to say, that it is unlikely that the *Spaniard*, who is the most powerful and only to be feared Enemy in this particular, will ever be engaged so far Northward. In answer whereof, I crave leave to relate to your Majesty a Speech of *Tirone's*, uttered to me and many others after his return from Rebellion. "That if the War had continued, and his Submission not been accepted, he had contracted with the *Spaniard* to fortify two or three Places in the North, which are not only strong by Nature, but where his Allies and Friends of the *Scottish* Islands should and might with ease relieve and supply them at all times, and from whence they might make their access into *Scotland* and fortify there also."

If this had been done by the *Spaniard*, I refer to all that are judicious, how difficult it had been to have expelled them again; how far differeth the Case of Danger now by our Plantation in the North, when in all the six escheated Counties, there are not many above six Thousand *Brittish* Bodies, and most of them unarmed, untrained, and unapt for Service: And the Natives, who daily watch for the return of their young Lords (as they term them) *Tirone* and *Tyrconnell*, and the rest now in the *Spanish* Army, promising themselves a Re-possession of their Country, are at least four times so many.

The lamentable Case of *Munster*, yet fresh in our Memory, after the *Black Water* overthrow, when as the *English* Plantation, almost as good as this, was in a Moment destroyed by a handful of Rebels, gives Cause to fear the like in *Ulster*; so ready are the *Irish* to attempt, having either a strong Party amongst themselves, or hopes of a foreign Succour, their present Discontentment being no less than at any time heretofore, if not greater.

This Danger his Sacred Majesty hoped to prevent by bringing this potent City to be partaker in the Hazard, which, as all Men had Reason to believe, both by the greatness of their Purse, and in a Case so much tending to their Honour, would have fully answered his Expectation.

But when it appeared unto me (then Governour of the County, and trusted by his Majesty to observe their Proceedings) that they intended nothing less than the Performance of what his Majesty expected and they promised, I could do no less in mine own Duty, and discharge of my Prince's Trust, than inform their Abuses, which continued for many Years, and for seven Years past I have done nothing but solicited the redress: But how far my painful Endeavours in so long time, wasting my Estate therein, and grown decipied thereby, hath prevailed, the small Success doth manifest. Albeit his late Majesty, and your Royal self, have by many special Directions ordered as much as was necessary; but so great is their averiness to the Service (I will not say supported by the greatness of their Purfes) as I yet labour in vain, tho' their Servants and Tenants have bragged, that their Masters will spend an hundred thousand Pounds before I shall have my Will, which they must needs know is the only good of your Majesty's Service in the safety and defence of that Kingdom; and to grace their own Cause, and disgrace me, they give out themselves here, that they let me run on to try me. This scornful Demeanour, indeed unmannerly, since it relates to your Majesty's Service, appeared fully at the Execution of your Majesty's last Commission, by their singing Songs, and preparing a Play to deride it, which they called *Much ado about Nothing*. These Scorns (howsoever they may pretend) were aimed only at me, yet cannot chuse but reflect on your Majesty's Will and Authority, to which I am and ever will be an humble and diligent Servant, only aiming at your Majesty's Good, and no ways busie (as they term me) beyond your Majesty's Will; and it appears, that for these spacious goodly Territories, rich Customs and Fishings, for all which they pay to your Majesty but 205*l.* 17*s.* *per Annum* granted by his late Majesty, that much was expected from them; and it likewise manifestly appeareth, that at the time they took it, they intended to abuse him, and the Service; otherwise they would not have omitted the principal Point thereof, which concerned the Safety of the Country, the fundamental Ground being the avoiding of Natives, and planting wholly with *Brittish*: But they finding the Natives willing to over-give, rather than remove,

and

and that they could not reap half the Profit by the *Brittish* which they do by the *Irish*, whom they use at their Pleasure, never looking into the Reasons which induced the Natives to give more than indeed they could well raise, their assured hope, that time might by Rebellion relieve them of their heavy Landlords, whom in the mean time they were contented to suffer under, though to their utter impoverishing and undoing, rather than not have a Footing to entertain their expected Lords, as is already noted.

So as the Covetousness of the *Londoners*, meeting with the rebellious Hopes of the *Irish*, has bred the Danger, which his prudent Majesty sought to avoid; nor can the *Londoners* alledge want of *Brittish*, for many came thither at their own Charge, and were by them (for the Reasons expressed) refused.

After they had settled to themselves this so dangerous Profit, they grew weary of me, their Superintendent, because I would not run their irregular Courses, altho' formerly they had been humble Suitors to the Lords of your Majesty's Privy Council of *England* for my continuance; which their Lordships accordingly specially recommended to the Lord Deputy of *Ireland*: But when the Lord Deputy required me to have a special Care of that my Government, and expected, that through my Experience I would so advise, that the Mischief might be prevented, which this untoward Plantation did presage, and that I thought to perform such his Lordship's Directions; then they began to oppose, not only me, but the Deputy, as by many particulars shall be proved, insisting (as it seems) upon the greatness of the City, and by their sinister and headstrong Courses, resisting all necessary things, which I, with those Knights, Captains, and Gentlemen there residing, sought for the Country's Good to establish, notwithstanding the now Lord's Deputy's Approbation of such Rules and Orders, as I had conceived for the better Government of that Country, and confirmed by the likeing of the Justices of the Peace, and chief Inhabitants there, sought to blemish and detract from their Worth and Sufficiencie, derogating from their Profit which they much prefer before the Common-Wealth.

And whereas they pretend, that the Charge of this Plantation could not have been borne, nor undertaken, but by them; it appeareth, that for the freedom of Rents, benefit of Fishings, Customs, and other Profits and Revenues, remitted by his late Majesty for the space of the first seven Years, the *Brittish* would have performed all the Plantation with a marvellous great Advantage and Revenue to your Majesty after that time for ever.

I should be too tedious to your Majesty, if I should here set down half the Shifts and Devices this refractory People have used to advance their Profit, and abuse your Service, only their latter Actions I have made bold to mention.

It may appear by the 23 Articles set down by the Lords Committees, and confirmed by your Royal Father for the Security of the Kingdom, to be presently put in Execution, what should have been forwarded, for defraying of which Charge, the Lords of your Majesty's Privy Council gave Order the 2d of *September* 1625 for the Sequestration of their Rents: But through the disobedience of their Agents and Farmers they could not be received for supply of the Service, but they received it all themselves, save ten Pounds; and, not therewith content, proceeded after by way of Petitions, and false Suggestions, which had no colour of Truth, in such Sort, as the 31st of *July* 1627 they got the said Sequestration quite dissolved.

After, such was your Majesty's Princely Care, as to give Orders the 3d of *May* 1628 for a new Sequestration, to be disposed as formerly; but they secretly and underhand, drew a number of People, some their Tenants, some Youths, and other vagrant Persons, as if they had been all Tenants, to Petition in a scandalous manner against me, making a false Shew of much Loss and Inconveniency sustained by their going thither, and planting there; when indeed, such as were their Servants, are by that means, from poor and broken Persons, become Masters of good and plentiful Estates, nevertheless, these counterfeited Clamours procured such Commiseration here, as the Sequestration was again dissolved, which they not a little triumph at, and your Majesty's Service feels in a high measure, whereby the Defects remain as they did, and no Reformation had.

To

To discourage such as might inform the Truth of their Abuses, it was given out at publick Assizes, that your Majesty had remitted all their Trespasses, and revoked your Commission; so as those, that were before most desirous of Reformation, now stand terrified from delivering their Knowledge, lest the *Londoners* hereafter should prosecute Revenge against them, as they now do against all such as I have employed in your Majesty's Service, imprisoning some, and forcing others to come over hither to seek Relief, whom if your Majesty will not be graciously pleased to protect, they will be undone, and forced to forsake the Country.

The *Londoners* (amongst other Slanders they cast upon me) do report I am an Impediment to the building of the Church at *Derry*, a thing principally appointed by his Majesty, which I have been so far from, as for nineteen Years together, I could not draw them to do any therein, till about two Years last past, the Earl of *Totnes* pressing them thereunto, they have now unwillingly began to build it, it being not likely, that they who intended to Merchandise the County only, would ever be willing to build Churches; and they appear more sensible of that Charge, than of all others, affirming that four Years Revenues will not build it, whereas one Year's Revenue of that which comes to the Chamber of *London* will perform it, without taking any thing from the twelve Companies, who receive from their Farmers as good as 2190*l.* per *Ann.* and moreover they unjustly charge me, that had it not been for me, as was delivered in your Majesty's Presence, they had disbursed 1600*l.* more than they have done; which how likely it is your Majesty may conceive, by that which I formerly related, and how I have been dealt with for my Endeavours herein in your absence, when in your Presence I have not escaped blame.

They who were never willing to pay the Workmen whom they employed, whom they kept forty Weeks together without means, in which time, the poor Men were ready to starve, and many of them were forced to run away, who otherwise would have staid and planted there, to the Comfort of the *English*, will not be forward to build Churches, or other Works of Charity, as appears in their performing the Bridge of *Coleraine*, where, for want
of

of a Bridge, People are continually drowned; and now of late, twenty two Persons at one time. And altho' the two thousand Acres enjoyed by them only in lieu of that Work is worth 400*l. per Annum*, yet in regard of the great Profit arising by the Ferry, they are intent to enjoy both Land and Ferry, and neglect the building of the Bridge so much desired by the whole Country, and of no less Importance to your Majesty's Service both in the ready Passage of all Affairs, and the Preservation of your poor Subjects; which unchristian like neglects I wonder they do not likewise lay upon me as well as the building *Derry* Church, which (as is mentioned) they would never have gone about, but thro' the Earl of *Tates*, now deceased, his earnest pressing, whose Death, I must needs say, proves no small hindrance to your Majesty's Service; for whilst he lived, he took it highly to Heart, and (as he professed) strengthened me to his uttermost, finding me to bear the same Resolution to your Majesty's Service, that the noble Marshal *D'Aumont* (under whom I served in the Wars of *France*) did to his Master, King *Henry IV.* when his Friends mistaking his excessive Bounty to such as well deserved in the Wars under his Command, and persuading him to a more sparing Course to his Posterity, his Answer was, *I care not, so I serve my Master well, whilst I live*: And he manifested no less at his Death, when there was not so much found, as would defray his funeral Charges.

By this Earl of *Totnes* I was well encouraged, yet by others I was as much discountenanced, and some there be, who have told me to my Face, the Business I undertook was not feizable: But in as great Difficulties (I thank God) I have made through, though with the hazard of my Life, which I will never spare in your Majesty's Service.

After all the Devices the *Londoners* have used hitherto to keep your Majesty from the true Knowledge of their Abuses, I am now credibly informed, that to gain longer time, in hope to weary me out by Death, they have a purpose to procure from your Majesty, a new Commission in their behalf, to examine what is already examined, and done more in their Favour than was requisite, as Sir *John Bingley*, being a Commissioner, can testify, who having looked thoroughly into the whole state of the Business can
certify

certify your Majesty of the Truth of my Relations, and had not he in your Majesty's behalf held the rest to the due Proceedings, the return had been worfe; yet there is sufficient to discover how grossly you are deceived, and how subject they now are to your Majesty's Will and Pleasure.

The *Londoners* are not ashamed to give out they have disbursed 140,000*l.* in the Charge of this Plantation, when as a near Estimate of Disbursements and Receipts is collected, and appears as follows.

| | | |
|---------------------------|---|-----------------|
| The Sum of their Receipts | — | 98665 <i>l.</i> |
| Their Disbursements | — | 68730 <i>l.</i> |

So that it appears their Receipts are more
than their Disbursements — 29935*l.*

More they levied in the City — 60000*l.*

All which amounts to the Sum of — 89935*l.*

Which they have received more than they disbursed.

And your Majesty has been at the Charge of very near 30,000*l.* for maintaining of three Companies ever since 1611, of which the Plantation should have freed his late Majesty, and your Majesty, as appears by the fourth Article.

But your Majesty's greatest loss consists in the filling of the Country with *Irish*, at whose Mercy the few *English* lie; for they may at their Pleasure surprize their Houses, cut their Throats, and possess their Arms, and had so done, had I not happily discovered a Combination of the ablest and most dangerous Gentlemen of the North, to have burnt and destroyed their whole Plantation, Towns and Country: And thereupon the 9th of *April* 1615 they were apprehended, and I sent them to the Lord Deputy, whom his Lordship after Examination sent to receive their Tryal at *Derry* Assizes, where six of them were executed, being *Tirone's* near Kinsmen. The same Plot was then discovered by Mr. *Trumball*, his Majesty's Agent in *Brussels*, and certified into *England*.

Three Commissioners from your Royal Father, for the redress of their Abuses, have been prosecuted at the great charge of his Majesty, but all have returned without success, and the Service nothing at all advanced by them; and this last Commission, which at my humble suit, it pleased your Majesty to grant me, hath been executed at my

my own Charge. Wherein for the better and more effectual Execution thereof, I likewise offered to bear the Commissioners Charges, and is now returned, which will sufficiently discover the Defects of the Plantation, and the *Londoners* defaults; and I am confident that, with your Majesty's gracious Favour, it will bring forth Fruits worthy your Majesty's royal Acceptation, much to the Contentment of my poor self, in being the Author and Solicitor of so great a Service to your Majesty.

But lest I should be too tedious, I omit much I could declare of the *Londoner's* abuses in this particular, of which (among many other Points) the Preamble to their Charter will more fully and palpably convince them; and I must needs say that many worthy Citizens have for the Honour of the City and advancement of this Plantation, wished an upright Carriage of this Design; but these Men, having little or no Hand in the managing of the same, could do no more than wish well, for the whole Trust is laid upon Men over much inclined to their Agents; who for piecing up their own particular Profits, care not how they subvert both King and Country's Good.

And I that have freely spent my Time, Strength and Estate, in the Prosecution of this Service, as formerly my Blood in recovering of the Country, have thereby gained the hatred both of the *Londoners* and Natives, which, in regard of my Duty, and the discharge of the Trust reposed in me, I weigh little, as humbly hoping and relying on your Majesty's gracious Protection from them and their Malice.

And yet not to be found ungrateful, I ingenuously confess, that Sir *Richard Weston*, then Chancellor of the Exchequer, and now Lord Treasurer (well knowing my great and long Expences, and also how much my careful and faithful Endeavours conduced to the Prosperity of your Majesty's Service) very nobly, in the time of the last great Visitation, supported and relieved me out of his own Purse.

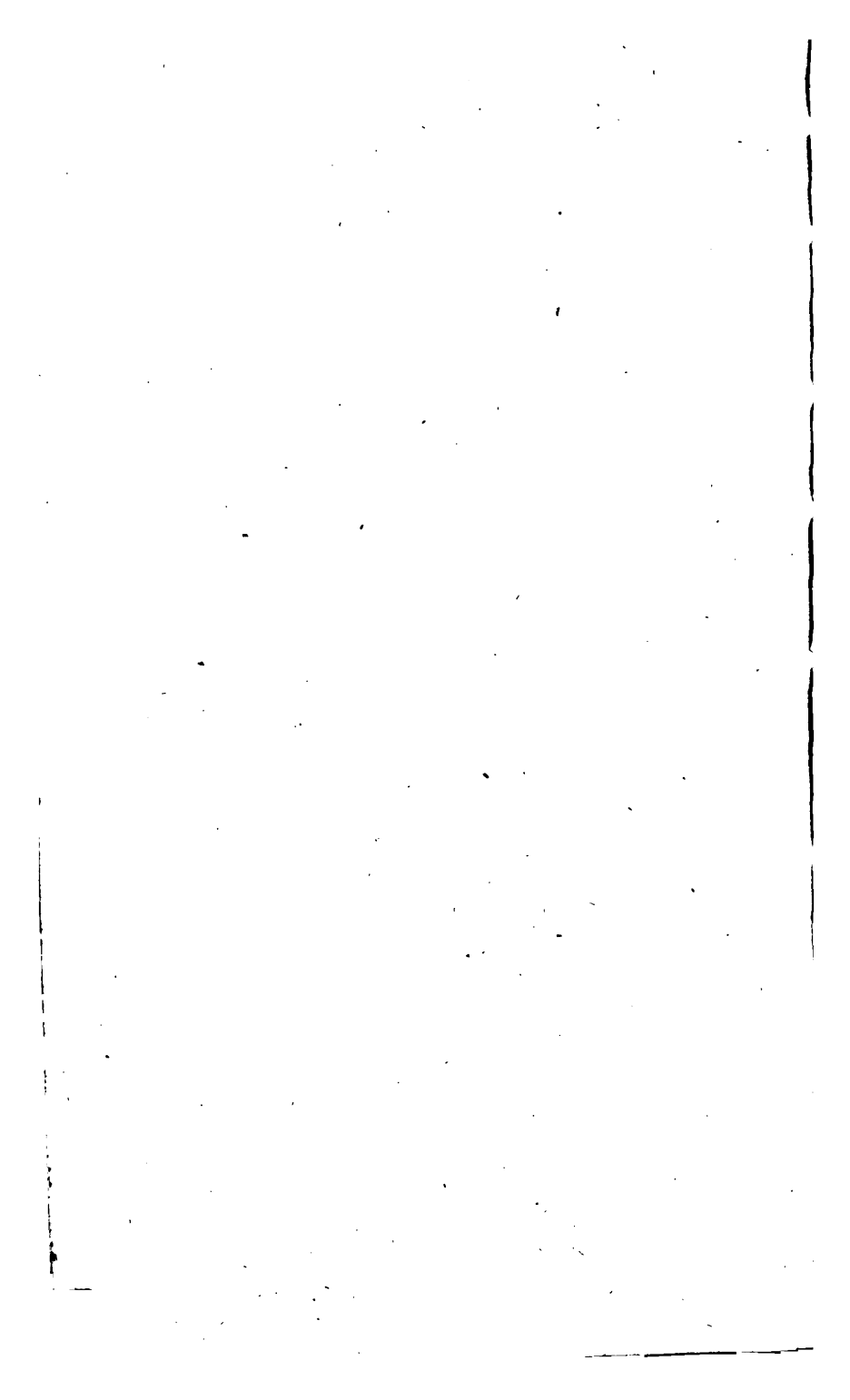
I have in another place humbly made bold to present to your Majesty certain Plots of Fortifications, which, if it may stand with your Majesty's royal Approbation and Pleasure, I think are fit to be erected for the safety of those Parts without your Majesty's Charge, and so become the Safeguard of your Kingdom and Revenue; for Forts built

built and held in convenient places not only give Impediment to an Enemy's Progression in an Invasion, but sometimes proves the recovery almost lost, as in my own Knowledge fell out in the Civil Wars of *France*, by fortifying the Castle of *Aungiers*, formerly ruined and abandoned, done by the Advice of Monsier *De Pisy*, a private follower of the Duke *De Joyeuse*, which after by the strength thereof secured both Town and Province to King *Henry III.* and King *Henry IV.* No less good Hope did the City of *Tours* afford to King *Henry III.* when being chased by the Duke *De Mayne*, he secured himself by the strength thereof, till he was rescued by the King of *Navarre*, otherwise he had been left in the Hands of the League, being abandoned by his own Party. Many more Examples I could produce, but I fear that I have been too tedious.

May your Majesty be therefore graciously pleased to cast your Princely Eye upon the important and material things contained in this Book, which I make no doubt but the worth and safety of so excellent a Kingdom will invite you to. That therein, seeing your own apparent Wrongs, you will please to be no longer deluded by the covetousness and deceit of your *London* Plantations, but consequently resolve to proceed to a Reformation thereof. If plainness incident to my Breeding, or my Zeal to your Majesty's Service in this my rude Preface hath begot any blame worthy Error, I humbly crave Pardon thereof of your gracious Majesty, desiring, as I have spent my time, so to end my Days in your Majesty's Service, wherein many may appear more worthy, but none more Faithful than,

Your Majesty's most Loyal Subject,

THOMAS PHILIPS.



A N
E S S A Y
On the DEFECTS in the
H I S T O R I E S
O F
I R E L A N D.

A N D,

REMEDIES propofed for the Amendment and Reformation thereof: In a LETTER to the Right Honourable ROBERT, LORD Baron NEWPORT of NEWPORT, Lord CHANCELLOR of Ireland, and Prefident of the *Phyfico-Hiftorical* Society eftablifhed in *Dublin*.

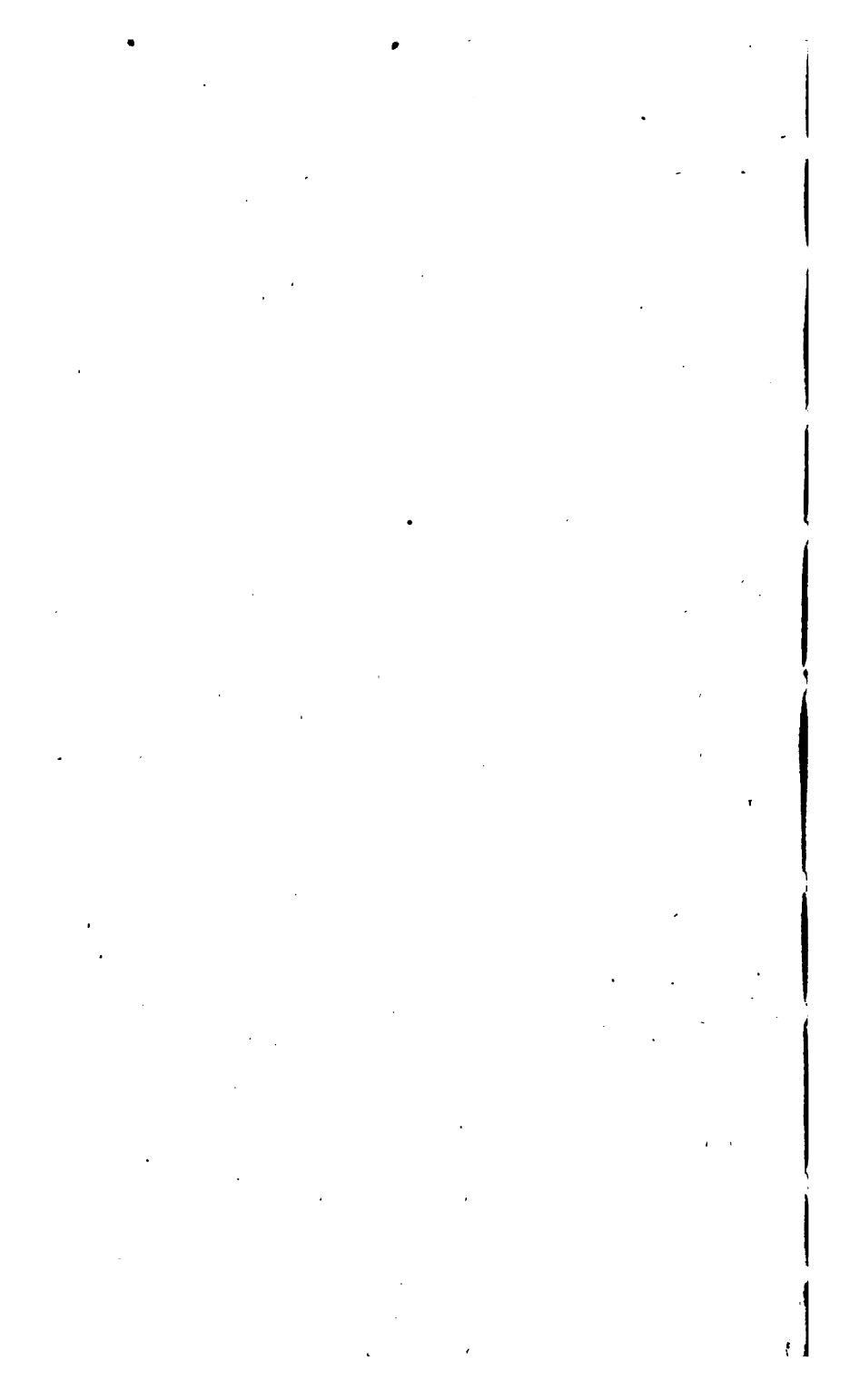
— *Donec quid grandius ætas*

Poftera, forſque feret melior. —

BURTON'S Melancholy.

D U B L I N:

Printed for JOHN MILLIKEN, (at No. 10) in
Skinner-Row. M,DCC,LXX.



A N
E S S A Y
On the DEFECTS in the
HISTORIES
O F
I R E L A N D, &c.

My Lord,

THE great Condescension you shewed in submitting to your Election of being a Member and President of a Society, intended for the advancement of the honour and welfare of this Kingdom, emboldens me to put the foregoing Collections, and this Essay under your Protection and Patronage; well knowing that your Countenance will Screen them from unreasonable Insults, (the common practise of the less intelligent part of Mankind) and thereby Occasion, that what-ever light Errors may be found in them will be passed over with as light Censures. But this, my LORD, is not the only Motive to the present Address. Your love of a Country, into which

R

Providence

Providence has cast your Lott, evidenced by your daily care in collecting (at no small expence) many scattered remains of the History and Antiquities of it, which otherwise would run the hazard of sinking into Oblivion, must endear you to all true Lovers of it, and to one in particular, who dedicates his few mites of Knowledge to the Publick Service.

It is not, my LORD, for your Information that I commit these few hints to the view of the World, your Knowledge in the Circle of antient and modern Learning being too extensive to stand in need of such helps; but it is through you, and by your Countenance, that I hope to excite others to consider a Subject, which hitherto has been little attended to, and which stands in need of much Reformation.

When we read among the Antients, (a) “ that *Ireland* is a Nation of Savages, and scarce habitable for Cold; that (b) the People of it live upon human Flesh, of which they Devour vast Quantities, and look upon it as honourable and lawful to eat up the Bodies of their dead Parents, and to Use an undisguised and promiscuous Copulation, not only with other Women, but with their Mothers and Sisters.” What Native is there of this Country, who can think otherwise than with Abhorrence of their Progenitors? But when we find most of these Fables gravely handed down to the present Times, with many Additions to the heap; when we see in modern Writers, (c) “ that the Peoole of *Ireland* are at this Day uncivilized, Rude, and Barbarous, that they delight in Butter tempered with Oat-meal, and sometimes eat Flesh without Bread; but which they eat Raw, having first pressed the Blood out of it, and pour down large Draughts of *Uisquebaugh* for Digestion, reserving their little Corn for their Horses—That their Dress and Habit is no less Barbarous,—that Cows and Cattle are their chief Wealth—that they count it no Infamy to commit Robberies, and that Violence and Murder is, in their Opinion, no way displeasing to God.—That they are much given to Incest, and nothing is so com-

(a) Strabo, Lib. 2. p. 115. 2 Edit. Casaub. (b) Ibid. Lib. 4. p. 207.

(c) Present State of *Ireland*, Edit. 1738.

“ mon among them as Divorces under pretence of Con-
 “ science.—That they pray to the Wolves, lest they
 “ should Devour them.—Are overgrown with Woods,
 “ and Subject to voracious Animals.—And (*d*) that Wolves
 “ still abound too much in this Country;” When such
 an odious Picture is Drawn of us, who, my LORD, can
 refrain from a just Indignation? What Foreigner would
 be so hardy to put his Foot into an Island thus described?
 The Riches of a Country consist in the Numbers of its
 Inhabitants; which such Characteristicks can by no means
 tend to Increase. For a Stranger would as soon settle at
 the *Cape of Good Hope* among the *Hottentots*, before the
European Colonies got footing there, as in a Country brand-
 ed with such Infamy. But you know, my LORD, that
 these are groundless Aspersions, and the result of Ignorance
 or Malice. The Nobility and Gentry of this Kingdom are
 as Polite, well-bred, and Humane, as those of other
 Nations; the Merchants and Traders as just and honest in
 their Dealings; and the bulk of the People not inferior
 to the Populace elsewhere. Doubtless Exceptions may be
 pointed out to these general Allegations; and what Coun-
 try is free from such Exceptions?

Many intelligent Men have thought, that the adjusting
 the History of *Ireland* to a good Frame, the shewing the
 antient and modern State of it in true and proper Colours,
 together with the several Revolutions in Property, Religi-
 on, and Government, would tend not only to the honour,
 but to the real Emolument of the Kingdom. For when
 Foreigners are thoroughly informed of the Ornaments and
 natural Advantages of this Country, the fertility of the
 Soil, healthiness of the Air, its navigable Rivers stored
 with Fish, large and safe Harbours, the neighbourhood of
 the Sea for the Benefit of exercising Traffick, and all things
 necessary for the support of Life, but above all, the secu-
 rity of property by mild and equitable Laws, and a just
 and equal Distribution thereof, it would tempt many of
 them to fly from the several Arbitrary Governments un-
 der which they Groan (where they can call nothing pro-
 perly their own, but what their Prince pleases) to this
 Land of Liberty, between which, and their own country

Essay on the Improvement of

the contrast could not but be wonderfully pleasing. This my LORD, would add real Strength and Riches to a Country not yet fully recovered from the Destruction and Desolation of Rebellions and civil Wars; and more especially, if the Terms for naturalizing foreign Protestants were made more easy than our present Constitution admits of. The *English* are indebted to Foreigners both for their Woollen and Silken Manufactures; the former in the Persons of the *Walloons*, who fled from the cruel Persecutions of the Duke *D'Alva*, and were hospitably, as well as politically, received by the Wisdom of Queen *Elizabeth*, and her Ministry; the latter by the Revocation of the Edict of *Nantz*: when *Lewis* the XIV set his Dragoons loose on his Protestant Subjects, and drove Multitudes of them into *England*, where they met with such a charitable Reception as is scarce to be paralleled in History. They both amply rewarded their Benefactors by spreading and diffusing those beneficial Branches of Trade through the Nation, which they now enjoy even to Envy.

The Physico-Historical Society was erected with a view of removing those gross Misrepresentations, which have been handed down from early Ages concerning this Country, and are yet continued. They have, in Proportion to their narrow Fund, made some advances towards the general end designed in the Institution, by publishing Descriptions of two Counties, which have been well received. It cannot indeed be properly said, that the first of these County Descriptions was the result of the Labours of the Society; because it came abroad some short time before the Society had an actual existence. But then, it was compiled and set out by some Gentlemen, who were the first Members of the Society, and with a view to its Institution, which in a few Days after took Effect, and has since been laudably carried on. The large extended County of *Cork*, being near the eighth part of the Kingdom, according to Sir *William Petty's* (e) Opinion, but in truth about the eleventh is now under Survey by the same Gentleman, who obliged the Publick with the Description of the County of *Waterford*, an immense Task, which yet will probably be finished against next Winter.

(e) Polit. Anatom. of Ireland, p. 115.

The antient and present State of the City of *Dublin*, Ecclesiastical and Civil, as also of the County of *Dublin*, are under the Care of two Gentlemen, who hope to put the last Hand to it before the end of the ensuing Year; and the same may be said of the natural History of the County of *Dublin*, which is undertaken by another Member of the Society, whose abilities in natural Knowledge is well known. Two correct Maps of the Counties of *Down* and *Waterford* have been also published, a third of the County of *Dublin* is prepared for engraving, and Expectations of one, for the County of *Cork*. When these attempts are fully finished it may then be affirmed, that near the sixth part of the whole Kingdom will be described, and that from a Fund surprizingly small. If their means had been greater, a speedier Progress might have been expected.

As Auxiliary to the views of the Society, and in order to point out the Defects under which the general History of *Ireland* at present Labours, as well as to propose Remedies for the Improvement thereof, one of the meanest of their Members takes the Liberty of presenting this Essay to your Lordship, hoping for a candid Reception, not only from you, my LORD, but from all the Body over whom you preside. His Intentions are sincerely good, and if the Execution were equal to them, he promises himself, that some Advantages would result from thence not only to this private Society, but to Society in general.

SECT. I. The Histories of all Nations, who can boast of any share of Antiquity, are, as to their Originals, obscure, incertain, and fabulous. Should we go up to the *Romans*, this Truth will be manifest, when even their own Writers do not agree in the Original of the City of *Rome*. *Sallust* ascribes it to the *Trojans*; yet acknowledges, that he founds his Opinion upon a doubtful Tradition, *Sicut ego accepi, as I have been informed*; while *Virgil* gives the honour to *Evander*, *Tum Rex Evandrus Romanæ conditor arcis*. If therefore the certain Original of so great a People should remain unfixed, it can be no matter of surprise if doubts should arise concerning the beginnings of more obscure Nations. Historians therefore, who talk variously on such Subjects, are not justly to be taxed with

Ignorance or Folly; since it is Antiquity, and the Unfaithfulness of oral Tradition, that have created the Error, and left nothing clear for Posterity to depend upon. *Titus Livius* (f) makes some sort of an Apology for all such writings, and imputes them "to the Embellishments of Poetical Fables, and not to the incorrupted Monuments of affairs, from whence History ought to be drawn," and therefore he adds, "that it was not his Intention either to affirm or disprove such things; for that Indulgence was due to Antiquity, which by mixing divine and human things together, sought to render the Original of Citys more August and Venerable." Whatever weight this Apology might have, most Nations have fallen into the humour of obtruding mock Princes on the World, from whence they have drawn their Originals. Thus (g) the *Danes* have their *Danus*, the *Brabanders* their *Brabo*, the *Goths* their *Gotbus*, and the *Saxons* their *Saxo*, as the Founders of their several Nations. So *Humbald*, a Monk, and a trifling Writer of the dark Ages forged *Francus*, a *Trojan*, the Son of *Priam*, as the Founder of the *French* Name and Nation; and in Imitation of him, *Geoffry*, Archdeacon of *Monmouth*, in the twelfth Century gratified the *Britains* with their Founder, *Brutus*, whom he makes a *Trojan* by descent, the Son of *Silvius*, Grandchild to *Ascanius*, and great Grandchild to *Aeneas*, a Prince of *Troy*, whose Mather was *Venus*, and consequently himself descended from *Jove*. This Nation also, my LORD, has its *Geoffery*, surnamed *Keating*, who really shoots in a longer Bow than his name fake, the Archdeacon of *Monmouth*. *Ireland* was colonized at various Times, not to Mention the Adventurers who came hither before the Flood. As other Historians had exhausted the vanquished *Trojans* in seeking for Authors of their respective Nations, our *Geoffery* shifts the Scene, and brings his Heroes from the Conquerors, and the midst of *Greece*. I must be understood, my LORD, to mean these Colonies, who first settled kingly Government in this Island, namely,

(f) Quæ ante conditam, condendamque Urbem, poeticis magis decora fabulis, quam incorruptis rerum gestarum monumentis traduntur, ea nec affirmare, nec refellere, in animo est. Datur hæc venia Antiquitati, ut mittere humana divinis, primordiis urbium augustiora faciat. *Livii* Prefat. ad Hist. Roman. (g) Camb. Brit. p. ix.

the Belgians, and Danonians, commonly called *Firbolgs* and *Tuatbodedanans*; though indeed he brings the more early Colonies under *Partholan* and *Nemeid* from the same Country, but all of them in a period antecedent to the Destruction of *Troy*. This very remote Antiquity, boasted of by the *Irish* Historians, though justly called in question by others, hath occasioned Mr. *Camden* (*b*), with a modest doubt, usual with that great Man, to call *Ireland* the *Ogygia* of *Plutarch*, the Word signifying very Antient; for says he, "they begin their Histories from the highest Antiquity; so that other Nations are but modern, and as it were in their Infancy, in comparison of theirs." Others (*i*) have propagated the same Notion; and Mr. *Roderick O' Flaberty* from hence takes Occasion to intitle his Chronological Treatise of *Ireland*, *Ogygia*.

The last Colony that settled in *Ireland* before the *English* Invasion was that of the *Milesians*, who arrived there (according to the *Irish* Historians) in the Year of the World 2934, one thousand and fifteen Years before our Blessed Saviour appeared in the Flesh. This Colony had their first Settlements in *Scythia*, as Mr. *Keating* (*k*) acknowledges, from whence that Author conducts them into *Egypt*, from *Egypt* through various Countries into *Spain*, and from thence after a long series of Time into *Ireland*. Whoever reads the very particular Account he gives of the Travels and Voyages of these Adventurers, cannot judge otherwise, than that he served them for a Pilot. He Marries also *Niul*, the Head of the *Scythian* Wanderers, to *Scota* Daughter to *Pharaob* King of *Egypt*, to whom he has given the surname of *Cingeris*, from which *Scota* *Ireland* in after Times took the Name of *Scotia*. and the People of it were denominated *Scots*. But he is not over confident of this, and therefore, to make things sure, he marries *Milesius*, who was the eighteenth or nineteenth in Descent from *Niul*, to another Lady *Scota*, Daughter to *Pharaob*, King of *Egypt*, whom he Surnames *Nectonabus*, and from her deduces the Names of *Scotia* and *Scots*.

This quick sighted Age, my Lord, hath grown ashamed of such Impostures; and since the *French* have rejected their *Francus*, as a Counterfeit, and that the force of

(*b*) Brit. p. 1314. (*i*) *Shaytor's* Palai Albion. (*k*) Hist. p. 34.

Truth hath at length prevailed against *Brutus*, *Danus*, *Brabo*, and all the rest of those mock Princes, let us, in the name of Goodness, give up our *Scota*, and be content with more probable Reasons why our Country was called *Scotia* and the People of it *Scots*, of which some Account may be seen in the Antiquities of *Ireland* (1).

To be involuntarily bewildered, my Lord, in a strange Country, surrounded with impervious Fogs, and without any friendly Guide to direct ones Steps, is not very unaccountable; but it is unaccountable that any Man in his Senses should venture to explore such hidden Paths, such unpassable Regions of Darkness. Should we inquire into the Cause of such a Conduct, it is to be feared it would in some Measure center in Vanity and self Love, a Pleasure of having advanced something new, that no body before ever thought of, which must end nevertheless in Confusion and Shame to the Authors; inasmuch that one may venture to apply the saying of *Boethius* (1), *Pudebit aucti nominis*, as a prophetick Warning to those *Nugivendulos*, those broachers of Froth and Romance.

It would be something excusable, my Lord, to have the very remote Origin of Nations in such a manner treated; because the infinite distance renders the Object imperceptible; but to continue the Folly downwards into Ages of more Light and Learning can bear no Apology; and yet this has been done by Mr. *Keating*, and others, who have written the antient History of *Ireland* down to the *English* Period. It is easier to guess at, than to ascertain the Reasons of such a Conduct; and yet I fancy (besides the Vanity before hinted) one other Cause may be assigned, which I shall submit to your Lordship's clearer Judgment, and it seems to me to be this.

The chief Pillars, upon which the antient History of *Ireland* is founded, are the Sonnets or Ballads, of the Bards or Poets, called in *Irish*, *Fileb*, as much as to say, *Philosophers*, the Word being applicable to both Senses; and the Poets were called *Fileb*, or *Philosophers*, on the score of their great Learning, and experience in the Liberal Arts. *Maximus Tyrius* (m), the *Platonick* Philosopher, who flourished in the Reign of *Marcus Aurelius*, has

(1) Chap. 1. (m) Dissert. XXIX.

made this Distinction above fifteen hundred Years ago. “ These People (says he, talking of the antient Poets) “ in reality Philosophers, though nominally Poets, have “ reduced their Practises to such a degree of Skill and “ Art, as wonderfully to tickle and allure the People. “ For so (proceeds he a little after) Physicians mingle “ their wholsom Medicines with some pleasant Vehicle, “ that the Patient should not be nauseated by the bitter- “ ness of the Taste. In the same manner are we to think “ of these antient Philosophers, who by cloathing their “ Sentences in the Dress of Fiction, and the magnificent “ Decorations and Ornaments of Poetry, as it were with “ a Garment, first found the way of captivating and al- “ luring the Minds of the Antients, and by disguising the “ irksomness of methodical Discipline, subdued and civi- “ lized their Minds to Learning and Instruction. Nor is “ there any room to doubt, whether the Philosophers or “ Poets have with better Success treated on divine Sub- “ jects. Rather let us say, that they have united their “ Forces in a joint League to the same end; insomuch “ that we may in truth affirm, that their Endeavours “ have not been different, but rather the same. For when “ you mention a Philosopher; you understand a Poet, “ and when you say a Poet you mean by the Word a “ Philosopher.” Almost to the same Purpose speaks *Natalis Comes* (n), a Mythologist of the sixteenth Century. “ The wise Man (says he, that is the Philosopher) was “ altogether the same as the antient kind of Poets, not “ like those of our times, who think, that all the Art and “ Conduct of Poetry consists in the measure of Words, “ and the adjustment of Feet; nor were they such as “ blabbed out what ever came uppermost, to flatter “ Princes for the sake of a Present: But the Composi- “ tions of the antient Poets were looked upon as the most “ sacred Laws; and often when Cities or Communities “ had Quarrels or Contentions among themselves, they “ had recourse to the Verses of some Poet, as if it were “ to the Sentence of some grave Judge.”

These, my Lord, are the Sentiments of the *Platonists* and *Mythologists* concerning the antient Poets; and we

(n) *Mytholog.* in *Orpheo*, lib. VII. Chap. 13.

should

should find upon a strict Review, that our Historians did not differ from the cited Authorities in their Opinions of these particulars. Wonderful things are told of *Orpheus*, *Linus*, *Strophoborus*, and other famed Names of Antiquity in remote Parts; and no less celebrated is our *Hiabneff-Faidbe*, i. e. the Prophet (a Poet and Prophet signifying the same thing) who arrived here with the *Nemedian* Colony in the Year of the World 2029; to whom may be added *Amergin*, Brother to *Heber* and *Heremon*, the Heads and Conductors of the *Milesian* Adventurers in the Year of the World 2934, who is represented by the Historians (c) of *Ireland* in a very amiable light, as a Judge, a Prophet, a Poet, a Philosopher, and in short, a Man excellently accomplished in all branches of Science. There are no incontestible Accounts remaining, whether these ancient Poets, Foreign or Domestick, left any thing in Writing behind them; and it is probable they did not. But let us attend, my Lord, to what a very knowing and judicious Writer, Sir *William Temple* (p), has advanced upon this Subject. "Poetry (says he) is generally agreed
 " to have been the first sort of Writing in the World,
 " and, in several Nations, to have preceded the Inven-
 " tion or usage of Letters. This last is certain in *Ame-*
 " *rica*, where the first *Spaniards* met with many strains
 " of Poetry, and left several of them translated into their
 " Language, which seemed to have flowed from a true
 " poetick Vein, before any Letters were known in these
 " Regions. The same is probable of the *Scythians*, the
 " *Grecians*, and the *Germans*. *Aristotle* says, the *Ag-*
 " *thyrsi* had their Laws all in Verse, and *Tacitus*, that
 " the *Germans* had no Annals nor Records but what were
 " so; and for the *Grecian* Oracles delivered in them, we
 " have no certain Account when they began, but rather
 " reason to believe, it was before the Introduction of
 " Letters from *Phœnicia* among them. *Pliny* tells it as a
 " thing known, that *Pbericides* was the first who writ
 " Prose in the *Greek* Tongue, and that he lived about
 " the time of *Cyrus*; whereas *Homer* and *Hesiod* lived
 " some hundred of Years before that Age; and *Orpheus*,
 " *Linus* and *Musæus*, some hundreds before them: And

(c) *Ossæ*. p. 183.(p) *Essay on Poetry*.

“ of the *Sybil*, several were before any of those, and in
 “ Times as well as Places, whereof we have no clear Re-
 “ cords now remaining. What *Solon* and *Pythagoras* writ
 “ is said to have been in Verse, who were something
 “ older than *Cyrus*, and before them were *Archilochus*,
 “ *Simonides*, *Tyrtæus*, *Sappho*, *Stesichorus*, and several o-
 “ ther Poets famous in their times. The same thing is
 “ reported of *Chaldea*, *Syria*, and *China*. Among the
 “ antient *Western Goths* (our Ancestors) the *Runick Poetry*
 “ seems to have been as old as their Letters; and their
 “ Laws, their Precepts of Wisdom, as well as their Re-
 “ cords, their Religious Rites, as well as their Charms
 “ and Incantations, to have been all in Verse.” The
 same things may with equal Probability be affirmed of
 the antient *Irish*; and we are taught by Mr. O-Flaberty (*q*),
 that from the time of *Amergin* before mentioned to the
 Reign of *Conquorvar Mac-Nessan*, who mounted the Throne
 of *Ulster* in the Year of the World 3937, comprehending
 a Period of upwards of a thousand Years, the Poets had
 the sole Power of delivering Laws to the People, and pro-
 nounced their Judgments in Verse, Laws being not yet
 committed to Writing. These Poetical Decrees were
 called *Judicia Cælestia*; Heavenly Decrees; because they
 were supposed by the Antients to have been written by
 Inspiration from *Apollo*, or the Sun, esteemed among them
 the God of Learning in general, but more particularly of
 Musick and Poetry; the Mythology of which Fable seems
 to mean no more than this, namely (*r*), “ that a certain
 “ noble and vital heat of temper, but especially of the
 “ Brain, is the true spring of Poetry. This was that
 “ *Cælestial Fire*, which gave such a pleasing motion and
 “ Agitation to the Minds of those Men, that have been
 “ so much admired in the World, that raises such infinite
 “ Images of things so agreeable and delightful to man-
 “ kind. By the influence of this *Sun* are produced those
 “ golden and inexhausted Mines of Invention, which have
 “ furnished the World with Treasures so highly esteem-
 “ ed, and so universally known and used in all the Re-
 “ gions that have yet been discovered. From this arises
 “ that Elevation of Genius, which can never be produced

(*q*) *Ogyg.* p. 216. (*r*) *Temple* as before.

“ by any Art or Study, by Pains or by Industry, which
 “ cannot be taught by Precepts or Examples; and there-
 “ fore is agreed by all to be the pure and free gift of
 “ Heaven or of Nature, and to be a Fire kindled out of
 “ some hidden Spark of the very first Conception.”

These *Judicia Cœlestia*, or divine Decrees, are compared (*f*) to the *Dicta Sapientum* of the *Grecians*. Poetry is known to be a wonderful Help to Memory, not only by the pleasure of Measures and of Sounds, which make a deep Impression on it, but by the methodical arrangement of Feet, which affords a great facility of tracing one Word after another, by observing what sort of Foot or Quantity must necessarily have preceded or followed the Words we retain and desire to make out. From these helps to Memory, it is no wonder, my Lord, that several pieces of the antient *Irish* Poetry have been preserved to after Ages, which many have employed themselves in collecting from time to time.

The strains, the colouring, and metaphorical Parables and flights of Poetical Compositions are known to every Body; and these, my Lord, I presume to think have been the Cause of introducing so much Fable into the antient *Irish* History, I may say, into the antient History of all Nations, which *Livy*, in the Passage before cited, barely hints at. Our antient History is drawn from the poetical Decorations of the Bards, the chief Possessors and Propagators of traditional Knowledge in the early Ages. Injudicious Historians have taken the Raptures and Flights of those Poets for genuine Truths, who intended nothing more thereby than Embellishment and Decoration; whereas, if such Flights were Mythologically considered, it is presumed an obvious moral Sense may be drawn from most of them. I have considered the antient *Irish* History in this Light, and I will give your Lordship two Instances, among a Thousand, to confirm what I advance, which I submit to your greater Penetration.

Siorlamb, i. e. the long Handed, mounted the Throne of Ireland in the Year of the World 3492, and is said to have had such long Hands, that standing upright he could touch his Feet, in this particular exceeding *Artaxerxes*

(f) *Oxyg.* p. 217.

Longimanus, contemporary with our King, who in the same Situation could only touch his Knees. Are not these, my Lord, Pictures of the power of Kings extended against offending Subjects to a very great distance? According to the saying of some Poet, whose Name I have forgot,

Nescis quam longas Regibus esse Manus.

So in the Year 95 of *Christ*, *Feradach Fatbuach*, or the Just, being advanced to the Throne by a popular Election, made *Moran* his Prime Minister, and administrator of Justice to the People, and presented him with a wonderful Collar, called after him, *Fadb-Moran*, i. e. the inclosure of *Moran*, which was to serve as a Test of the Integrity of a Judge or Witness, and had this Property, that when a wicked Judge, who intended to pronounce an unjust Sentence, or a Witness, who was about giving a false Testimony, had this Collar put about his Neck, that it would contract it self and stop his Breath; but where the Judge or Witness were resolved to act with Justice, it would dilate it self and hang loose. *Moran* wore this Collar with great Ease to himself, and Satisfaction to the People, during his whole Administration, which ended with his Life. This Fable, my Lord, was undoubtedly taken from some allegorical Expressions used by the *Irish* Poets, which Historians were idle enough to take in a literal Sense. For the moral of the Story means no more, than that King *Feredach* was a severe executor of Justice, and Punished with Death such Judges and Witnesses, who acted insincerely, as *Alfred*, King of the Saxons in *England*, long after actually did. This manner of explaining the allegorical Expressions to be met with in the *Irish* Poetry would probably have purged the History of *Ireland* from great numbers of Fables, with which it now abounds.

Besides the Fables founded upon the Allegories of the Poets, there are others to be met with frequently in the Histories of *Ireland*, which seem to be the Fruits of fertile Invention alone, and intended to fill up Chasms, to amuse ignorant or credulous Readers, to delight and tickle the Ear, and relieve the tediousness of dry and insipid Annals. These, my Lord, are the Works of the dark Ages, suc-
ceeding

ceeding that Barbarism and Ignorance introduced among us by the Devastations of the *Danes*, who in a manner put an End to all the Learning, which flourished so highly here in the preceding Centuries. All that a Writer of the History of *Ireland* can at this distant Period do is to separate the sound Corn from the Chaff, and retain only what carries the appearance of Probability and Truth, these only being able to satisfy a reasonable Mind. Such a Conduct, my Lord, intermixed with short and pertinent Reflections, adorned with the decency of a plain narrative Style, and a due adjustment of Chronology, would set the antient History of *Ireland* upon an equal Foot with that of any other Country, and, in my Opinion, would be useful as well as entertaining.

Having mentioned Chronology, your Lordship will indulge me in making a few Remarks upon the Periods observed by the Writers of the *Irish* History.

Chronology, like History, consists only in the ranging of particular Facts, and remarkable Events under certain Periods of Time, and is principally supported by the Evidence of Authority, which it would be often dangerous to reject, though it is unable to demonstrate it self; but when Authority happens to be united to Astronomical Proof then the Evidence is uncontrollable. The Observations of the *Fasts* among the *Romans*, and of *Holydays* since Christianity, serve much to settle a great number of Facts, in which Historians are not fully agreed. There are also arbitrary *Epochs*, which cannot with safety be opposed. The Observation of all these have been of great use in the *Irish* History, of which numerous Instances might be given, if an Essay of this Nature would suffer one to enter minutely into Chronological Discussions. Of all the Treatises of this sort that of Mr. *Roderick O-Flaberty* seems to me to be built upon the most solid Foundations, and most exact Rules of Art; and therefore, whoever undertakes to handle the antient Affairs of *Ireland* would do well to study that Writer exactly in all his Parts, but more especially his preliminary Address to Arch-deacon *Lynch*, and his Preface to the Reader; wherein he weighs the Arguments he advances against other Writers in an even Ballance, and gives satisfactory Reasons for his differing from them. I mention this Writer, my Lord, in Relati-

on to his chronological Labours only; for he cannot be always excused from the vanity of lending too willing an Ear to the Fables propagated from Antiquity.

I once, my Lord, intended to have written an antient History of *Ireland* upon the Plan before laid down, as far as to the Acquisitions of the *English* in it, and had actually proceeded to the Year 919, when I stopped short, my Resolutions being superseded by an Advertisement published to the same End by a Gentleman (t), of whose Abilities that way I have a much better Opinion than of my own: But if I find that he declines the Undertaking, I shall, God willing, resume my Intentions at some proper Season, and prefix such an antient History to a general History of the Kingdom, during the *English* Period,

Thus much, my Lord, I thought proper to say upon the antient History of *Ireland*, which is naturally divided into three Periods, namely, I. the Fabulous, II. the Obscure, III. the Enlightned or more clear. The former comprehends a space from the earliest accounts of time to the arrival of the *Milesians* in the Year of the World 2934, through the several Colonies of *Partholan*, *Nemeid*, the *Firbolgs* or *Belgians*, who first exercised Regal Government in *Ireland*, and the *Danonians*, usually called *Tuatb-de-Danons*, who were dispossessed by the *Milesians*. The second Period begins with the *Milesians* in the Year of the World 2934, and extends to the arrival of St. *Patrick* in the Year of *Christ* 432, containing the space of 1447 Years. This is called the Obscure Period, as it was enlightned but with little Learning, and the History of it must consequently be drawn from the traditional Sonnets of the Bards. The third Period may be reckoned from the arrival of St. *Patrick* to the Submissions made by the *Irish* Potentates to King *Henry II.* in 1172, containing the space of 740 Years. That Religious Missionary introduced the Knowledge of the *Roman* Literature among the People, taught them (u) the *Latin* Alphabet, and enabled his new Converts to make a considerable progress in Learning: Inasmuch that the Ages following him to the Confusions and Devastations introduced by the barbarous *Danes* in the ninth Century, were considered as the Ages of Light and

(t) Mr. *Brook.* (u) Antiq. Chap. 3.

Learning, and many flocked to *Ireland*, as to the great Mart of Education both from among the *Saxons* and *Gauls* for the sake of Study, as the venerable *Bede* (*w*), a Writer of that Period, informs us. “Nor is there any Reason, my Lord, to wonder, that *Ireland* should in those Ages abound with Persons of Piety and Abilities, when Learning was little heeded in any other Part of Christendom; since the Wisdom of Providence sows the Seeds of Religion and Learning, now in one Nation, and then in another, as in so many Beds, to the End that by every Transplantation a new growth may shoot up and flourish, to his Glory, and the good of Mankind.” But it is time to spin off this Thread, which is already drawn to too immoderate a length.

SECT. II. We are come now, my Lord, to tread upon surer Ground, when to Historical Accounts may be united the indisputable Evidence of Records. Perhaps no Nation in the World can boast of so noble a Collection of public acts and Monuments as that begun for *England* by Mr. *Rymer*, Historiographer Royal, and continued down by others to the present times, printed in twenty Volumes in large Folio, under the Title of *Fœdera, Conventiones, Litteræ*, &c. This Work was first set on Foot in the Year 1693 by the Command of Queen *Mary*, while his Majesty, King *William*, (of glorious Memory) was abroad in *Flanders* reducing the exorbitant Power of the common Enemy of Mankind. By Privy Seal dated the 16th of *August* that Year her Majesty ordered him free access to search and transcribe such Records as were for the Purpose in the Tower of *London*, the Rolls, the Augmentation Office, the Exchequer, the Journals of both Houses of Parliament, and all other Places where Records were kept, as also to the Library at St. *James's*, add the Paper-Office. The next Year King *William* enlarged this Favour by ordering the Lord Keeper of the Great Seal to direct a Writ to the Lords Commissioners of the Treasury, and to the Chamberlains of the Exchequer, commanding them to deliver to Mr. *Rymer* all such Records relating to his Subject as he should desire. The Compass of this Undertak-

(w) Hist. Eccl. lib. 3. c. 7, 27.

(x) *Cand.* vol. 2. p. 1318.

ing was so extensive, that though Mr. Rymer had taken in Mr. *Sanderfon* as an Assistant, yet it proceeded by slow steps, and the first Volume did not appear till the Year 1704, which was followed by a second in 1705, and by a third and fourth in 1706. These four first Volumes gave such a general Satisfaction to the Publick, that in the Year 1707, her Majesty Q. *Anne* by Privy Seal repeated the Commands of King *William* and Q. *Mary*, and during her Reign fifteen Volumes came abroad, the other five being since added. This was an Undertaking worthy the generosity of a great Queen, and an able Ministry, who in the midst of an expensive War did not think much of the Charge in promoting an attempt which brought so great an Honour to their Country. This valuable Collection hath given rise to one of the best general Histories that ever was wrote of any Country, especially as far down as the Reign of King *James I.* The Name of Mr. *Rapin Thoyras* is too well known to need being mentioned upon this Occasion. By this Collection he was enabled to ascertain Dates in an infinite number of Places, to discover the Mistakes of other Writers, rectify the Contradictions among them, and fill up many considerable Chasms, which before were blanks in History; and all these established on authentic Acts, that are too stubborn to admit of a Dispute. Some industrious and honest Historian might one time or other arise, who would do the like Honour for *Ireland* under equal advantages of Collections: But in that Point lies the Difficulty. To set about making such a body of Collections is a Task only fit for a Drudge, which a Man of Fortune will not, and a Man of small Fortune cannot undertake; so that we must remain as we are, unless some Method could be planned out for removing the Difficulty, which would be a Design worthy of a great Mind, and becoming a Man in power.

Were we, my Lord, to take a View of the wretched Condition, in which the History of *Ireland* stands, it would not be a matter of astonishment, that we should be considered as a People, in a manner, unknown to the World, except what little Knowledge of us is communicated by Merchants, Seafaring Men, and a few Travellers; while all other Nations of *Europe* have their Histories to inform their own People, as well as Foreigners, what they were
S
and

and what they are. Mr. *Languet de Fresnoy* (y) hath furnished the World with a large Catalogue of Historians of every Nation in *Europe*, nay in *Asia*, *Africa*, and *America*. Among these how few does he mention of *Ireland*, even as to particular Periods? But in relation to general Historians he takes notice only of two, namely Mr. *Flaberty's Ogygia* for the times preceding the Conquest (of which before in the last Section) and Sir *Richard Cox* for those since that Period. It is to be feared he is not far from the Mark.

— Pudet hæc opprobria nobis,
Et dici potuisse, at non potuisse refelli.

How far Sir *Richard Cox* deserves the Character of a general Historian must be submitted to those who have taken the Pains of perusing him: Though Mr. *Fresnoy*, or his Translator (who hath interpolated the Work with various undistinguished additions of his own) tells us drily, that the Book is esteemed; yet judicious Writers have looked on Sir *Richard* only in the light of an Annalist, who at a particular critical Time pushed the Work (z) a little too forward, and in too loose a Dress into the World. Indeed it must be confessed we have not in him what may be called a General History of *Ireland*, nor what can give perfect Satisfaction to a Reader. There are vast Chasms in several of the Reigns he has undertaken, which might have been well filled up from the Offices of Record in this Kingdom: But he had not the Opportunity of consulting them, as he compiled his History in another Nation, at a time when this was in a Combustion. Nevertheless he has furnished the World with some good Materials out of the *Lambeth Library*.

We have two other Pieces, called Histories of *Ireland*, namely; *Edmond Champion*, who gives a very slight Account both of the antient History thereof, and of the *English* Period as far as the end of Sir *Henry Sidney's* Government in 1571, and *Meredith Hammer*, who likewise couples the antient and more modern Periods, which last he carries down no lower than the Year 1284; but they are further

(y) *New Method of studying History*, translated by Dr. *Rawlinson*, Vol. 2.

(z) *Nicholson's Irish Hist.* lib. p. 52.

continued by a very poor Chronicle of *Henry Marleburrough* to the Year 1421. These two Pieces, together with *Spencer's View of Ireland*, in which are many excellent Materials, were published in a small Folio in the Year 1633 by Sir *James Ware*, and put under the Patronage of the Lord Deputy *Wentworth*, with the same Intention that I now offer these Collections to your Lordship's Protection, in hopes to excite others to make the Publick acquainted with those scattered remains of the History of this Country, which will help to fill up several Chasms in it. We are told by the same worthy Knight (a) "that Sir *James Ley*, Lord Chief Justice of *Ireland* (afterwards Lord Treasurer of *England*, and Earl of *Marleburgh*) had caused to be transcribed and fitted for the Press the Annals of *Fryar Chynne*, those of the Priory of *St. John* the Evangelist of *Kilkenny*, as well as the Annals of *Mul-tisernan*, *Rosse*, and *Clonmell*, &c. but that his other weighty Occasions diverted his Purpose." He adds, "that the Copies were at that time preserved, and that he hoped ere long, that they, with other Annals and Fragments of the same Nature, would be divulged;" a hint perhaps, that he himself intended to undertake the Task, which probably was prevented by the multiplicity of the Business of his Office of Auditor General, and the Rebellion, which broke out a few Years after. The Annals printed at the end of *Camden* were preserved and communicated by the Lord *Howard of Navorth*. We may venture, my Lord, to take the judicious Publisher's Word for it, "that there is nothing extant more perfect in the kind, that those Annals, since *Giraldus Cambrensis*; and that the Contents of them give great light into the *Irish History*;" and he invites the Reader to communicate to him any thing he had more perfect. Thus, my Lord, we see Gentlemen of great Rank and Reputation in *England* preserving our Monuments, and forwarding them into light, while we ourselves, whom it more immediately concerns, are supine and careless in that particular. The last mentioned Annals, published by *Camden*, are ascribed (b) to *Philip Flatbury*, who flourished in the Year 1517;

(a) Pref. to *Campion*.

(b) *Stanburst's* Descript. Hib. Chap. 7.

but they were originally written (c) by *Christopher Fermbridge*, and only transcribed by *Flatsbury*, at the request of the Earl of *Kildare*. A Copy of these Annals are in Manuscript in the Library of the College of *Dublin* (d), in many particulars differing from the Copy used by *Camden*, which I thought proper to hint to the industrious Historian.

The fullest Annals we have of *Ireland*, (though incomplete enough) next to those before mentioned, may be found in the *English* Edition of Sir *James Ware's* Works published in the Year 1705; and though they are generally ascribed to the last mentioned Knight, yet it is manifest from the Texture thereof, that the part of them only from the *English* Invasion to the end of the Year 1201 bears his stamp; instead of giving Satisfaction, the only shew the Design of the Author to collect Adversaria towards an History of *Ireland*, which probably he had meditated, but which his Publick Employments would not afford him Leisure to execute. From the Year 1201, to the Death of *Henry V.* in 1221, they are meer Transcripts from the printed Chronicles of *Hanmer* and *Marleburg* before mentioned. The Remainder to the Death of *Richard III.* are collected from the various M. S. Annals of *Ireland*.

But the Annals of the highest Estimation we have relating to *Ireland* are those of *Henry VII.* *Henry VIII.* *Edward VI.* and *Queen Mary*, written in Latin by Sir *James Ware*. The Annals of *Henry VII.* were first published in the Year 1658, and annexed to his Antiquities; Those of *Henry VIII.* came abroad in a small thin Edition in Octavo in the Year 1661. He afterwards in 1664 revised these two Pieces, and published them, together with the Annals of *Edward VI.* and *Queen Mary* in a thin Folio Volume. It is manifest he intended to have continued his Labours to the end of the Reign of *Queen Elizabeth*, and had collected Materials to serve for that Period; but he was prevented by Death the Year following. They were afterwards revised and methodized by his Son *Robert Ware*, Esq; and may be seen in the *English* Edition before mentioned. How they are deficient in the politure and ex-

(c) *Writers of Ireland*, p. 83, 92.(d) *E.* 3, 32.

actness of Sir *James's* Pen may be easily perceived. The defects in the Reign of Queen *Elizabeth* are in some Measure supplied by the Life of Sir *John Perrot*, Lord Deputy of *Ireland*, and by the *Pacata Hibernia* ascribed to Sir *George Carew*, Lord President of *Munster*; but these are only for short Periods. I shall only barely mention the Historical Collections made by *Raphael Hollingshed*, and published in his second Volume, this Essay being not intended as an Historical Library, which has been already excellently well written by Doctor *Nicholson*, late Bishop of *Derry*, to whom this Country is infinitely obliged for his pains in delineating the out-lines which an Historian of *Ireland* ought diligently to attend unto. I trust, my LORD, that the Pieces here now first published will be of some use to the Historians of this Country in several Periods, but especially those relating to the Settlement of the six escheated Counties in the Reign of King *James I.* which is the Foundation of our present Happiness. If the Patentees and Undertakers of those Lands had strictly adhered to the Projects and Conditions laid down by that Monarch (which in these Collections may be seen) it would have been impracticable for the *Irish* to have fomented and carried on the Rebellion of 1641 with such dire immanity, as is described by our Historians; and it is pretty plain, that to root out these Plantations (which they knew must end in the Establishment of an *English* Interest through the Kingdom, and consequently in the Diminution of their fond hopes of being restored to their ancient Power) was none of the meanest Causes of their infamous attempts.

I have annexed, my Lord, to *Pynnar's* Survey a Letter written by Sir *Thomas Philips* of *Limyvady* to King *Charles I.* without Date, from whence appears the miserable manner in which the *Londoners* performed their Undertaking, in planting the County of *Londonderry*. This Letter is in the front of a Folio Volume written in Manuscript by the said Sir *Thomas*, upon the whole progress of that Plantation; wherein he sets forth the Frauds and avaritious Dealings of the Undertakers, and in a manner foretells the Ruin of the *North* by some after Rebellion, as actually came to pass in 1641. This Volume, (which may serve as a just Commentary on the aforesaid Survey, as to the County of *Londonderry*.) was communicated to me by the

Essay on the Improvement of

Reverend Doctor *John Wynne*, a Person always ready to forward any Undertaking relating to the welfare of his Country. The whole Book is worthy the perusal of an *Irish Historian*.

I have, my LORD, of my own property several other Papers of Plantations made from time to time in this Kingdom, namely, those of *Queen Mary* in the King's and *Queen's* Counties, of *Queen Elizabeth* through the whole Province of *Munster*, and of *King James I.* in the County of *Wicklow*, which I have Fondness enough to think would be of some use; as would also the invaluable Collections in your Lordship's Possession of the several proceedings previous to and at the time of the Restoration. I have also many other Collections made at considerable expences relating to the affairs of this Kingdom. These, I mean such as are my own property, I would Select and Publish in a second Part of the *Hibernica*, if I find that the present Collection meets with a favourable Reception. I fancy that your Lordship, from the love you bear to this Country, would not think much of depreciating the value of your Manuscript, by suffering it to go abroad. But of this your Lordship is the best Judge, and must be the Director. A Copy of the same Collections with your Lordship's is in the Hands of the Right Reverend the present Lord Bishop of *Clogher*, who professes he is not fond of considering as a private Treasure what may serve to fill up the *Pennis Historicus* tending to the Embellishment of any single Period of *Irish* Affairs. But I would not without your mutual Consents do any thing to detract from the value of either of your Properties.

What I have hitherto hinted, my LORD, relates chiefly to the helps to be had in Print; and even there I have been defective, especially in the times preceding the Rebellion of 1641, and during the Progress of it, which latter Period is rendered amazingly Intricate by the writings of Historians of different Parties and Interests, some making it a most hideous Rebellion, and palliating it into a necessary civil Resistance. I shall not in this Place take upon me to decide the Question; but shall only point out such Writers who have handled the Subject. Previous to the Rebellion are the two published Volumes of Letters

to

to and from the Lord *Wentworth*, afterwards Earl of *Strafford*, chief Governour of *Ireland*. Also some part of Mr. *Carte's* Life of the Duke of *Ormond* will be a help to those times, as the whole will be to the Course of the Rebellion, and afterwards through the intire Reign of King *Charles II.* This Writer, it must be confessed, has met with the hard Fate of pleasing neither Party; while the Papiſts think he has bore too severe upon them, and the Protestants are of Opinion he has favoured the Popish Cause too much. Perhaps both Censures may be true considered in the different parts of his Work. I would venture indeed to advise the Reader to turn his Sheets over with some degree of Caution, and not implicitly to believe without due Examination. The great Collection of Letters written to and by the Marquis of *Clanrickard*, an active Minister in those times, which are in your Lordships Hands yet unpublished, may possibly contribute to unravell the difficulties of this Period; and as he was in his Religious Profession a Roman Catholick, the Party on that Side the Question cannot well refuse his Evidence: But of this I can say nothing with certainty, having never had the Pleasure of perusing that Collection. I shall only barely mention the Names of the Writers who have treated on the Affairs of those dismal Times, On the Popish Side were *Philip O'Sullivan*, *Peter Walsh*, Mr. *Beling*, Friar *Paul King*, the Earl of *Castlehaven*, the Earl of *Clanrickard*, *John Ponce*; *Nicholas French*, *Redmond Caron*, and others, and those, it must be confessed, are very far from agreeing among themselves. On the Protestant Party are Sir *John Temple*, the Earl of *Clarendon*, Doctor *Edmund Borlase*, the Earl of *Anglesey's* Observations on *Castlehaven's* Memoirs, and others. What Pieces those several Historians writ may be seen in the Writers of *Ireland* lately published.

But above all things I would recommend to our Historians to consult the Libraries of the College, and of Archbishop *Marsh* at *St. Sepulchres*, *Dublin*, in both which may be seen Manuscripts of good Value relating to several Periods; and by no means let him omit to look carefully into thirty two Volumes in Folio, and an Index Volume to the whole, in the first of these Repositories, in which he will find the Original Depositions taken upon Oath, as

well by virtue of Commissions, as by the Privy Council, and by the ordinary Magistracy, of the several Massacres, Plunderings, and Violences, committed by the *Irish* on the Protestants during the Rebellion, which will help to clear up the impudent Assertions of the Popish Writers upon that Event, and particularly of the Prefacer to the Lord *Clanriccard's* Memoirs. For the Preservation of these Collections the World is indebted to Doctor *Sterne*, late Lord Bishop of *Clogher*, who deposited them in the College for perpetual safety. I was once in hopes of seeing the most flagrant instances of those inhuman Barbarities selected and made Publick by the venerable Body to whom they belong; what hath hindered the same from being done, I cannot say, but thus far, my LORD, I may venture to affirm, that it is full time such Depositions were published, since the *Irish* Papists have in many tracts sent abroad in Foreign Countries maintained, that the *English* were the Aggressors in the War, and one R. S. in a Collection of Murders upon the Occasion p. 1. affirms, that the Murder of three thousand *Irish* in the Island of *Magee* was the first Massacre committed in *Ireland* on either Side. But the falsity of this pretence is notorious to Mankind; for the Slaughter at that place did not happen till the end of *November* 1641 in revenge for many Murders committed by the *Irish* on the *Scots* in the North, whom they spared for the first ten Days, while in the mean time they murdered the *English* from the beginning of the Rebellion, which broke out on the 23d of *October* before, many innocent Souls having fallen by their bloody Hands on that Day, and every Day after for a long time. It is therefore necessary, my Lord, for an Historian to be well acquainted with these Depositions, in which he will find many Historical Facts not taken notice of by any Writer, and the rather, for that the Existence of such Depositions is called in Question by the Writer of a Scurrilous Pamphlet called the *Impartial Examiner*, published during the late Rebellion in *Scotland*, with what view is visible enough. Neither ought the Journals of the two Houses of Parliament be passed over unregarded, nor a private Library founded and endowed by Sir *Jerom Alexander* be omitted

mitted to be visited, in which the Historian will find several Collections in Manuscript worthy of his Notice.

After the Restoration few Guides occur during the Reign of King *Charles II.* except some small Pamphlets and Pieces concerning the Act of Settlement, and other events of that Reign, too numerous, and of too little Importance to be named, and except Mr. *Carte* before taken notice of. The subsequent Reign, as it was an open Invasion on the Liberties, Religion, and Properties of the Protestants of *Ireland*, has been amply and truly set forth by Archbishop *King*, and the Military Parts thereof by Doctor *George Story*. Several have written the Life of our glorious Deliverer, King *William*; but all of them have touched very sparingly on the Affairs of *Ireland* during his Reign, except a late Life of that Monarch published last Year; and even that too hath been maimed and castrated in numerous Particulars from the Copy furnished by the Writer of it, in order to bring it within a certain Compass necessary for the Bookseller's view, who published it at his own Charges. I speak this with confidence, my LORD, because I was the Author of it, which Circumstance I in vain endeavoured to conceal, the Bookseller having blabbed it to his Acquaintance, who communicated it to others; and so I became as well known for the Author, as if I had put my Name to it, which he also took care to do, without consulting me, in an Edition published of it in *London*. Being thus abused, and my Piece defamed by castrations and otherwise, I am laid under a Necessity for my own Vindication, of publishing *A new Life of King WILLIAM*, to which I am also impertuned by great Numbers of Gentlemen of Rank and Distinction. This Life, my Lord, written upon a different model from the former, shall be much fuller of *Irisb* Affairs than the castrated Edition, even though it had been published intire; and I intend to add to it not only Notes of Reference, and Plans of the several Sieges and Battles that happened during the active Period of the Wars in this Kingdom, but also an Appendix of Original Papers in proof of several material Passages advanced in it, many of which have never yet been published; and this I intend to set out in Folio or Quarto, as Occasion shall require, in a Letter, and upon a Paper, worthy of such a Subject,

Subject, or at least upon the best printing Paper that can be purchased, none of the beautiful *Genoa* being now to be had in the Kingdom; and this, my LORD, I hope will help to fill up a very busy as well as useful Period. Though the World has just Reason to be tired of subscribing to Books from the many failures that have happened by the Frauds of designing Proposers, who have taken Gentlemen's Money, and never proceeded further, or have, after Publication, sold their Books at a Price under their Proposals; yet I trust, my LORD, this vile Practice can never be objected to me, and I challenge Mankind to point out where I failed in any Proposal, or any one Instance wherein I did not sell at an advanced Price to non-Subscribers, except to one single Person, which under some delicate Circumstances he extorted from me. I intend therefore to publish this mentioned Life by Subscription, and shall soon issue Proposals for that end: For in truth, my LORD, a Gentleman cannot venture to send abroad any thing, how valuable soever, upon other Terms, without risking a share of his Fortune. The Bookellers are the professed Enemies of all Gentlemen, who deal in this Way, and think them Interlopers in the profits of their Trade, unless they are content to take the Fame, and give all the Advantages to them. By a significant shrug, and a grin and a Sneer peculiar to them, they condemn all Works that do not pass into the World under their Hands: From them the Poison diffuseth into Coffee-Houses, and other Places of Publick resort, and an Author, who means well, is torn to Pieces behind his Back, even without having his Book read. I know them well both Inside and Outside, *intus et in Cute*; but I am astonished that Gentlemen should propagate the Opinions of such wholesale Criticks, who have just Learning enough to read what is written on the Labels of their Books. I make my protest therefore against all such Censurers: though at the same time I must, in justice to his Character, except out of this Charge Mr. *Faulkner*, who is more open in his Dealing, and, perhaps, a very few others, whom I know little of, further than by Reputation.

This, my Lord, is no mean Discouragement to a Person who would attempt to set the History of his Country in a due Frame; but it is not the only one. There are to be found

found Gentlemen of Figure in the World, who, out of a vain Ambition of being thought Men of Importance in the Commonwealth of Letters, how little qualified soever, will depreciate every thing that comes abroad, even without understanding the Subject, or perhaps reading the Book. If they are challenged to point out the Defects or Errors, they will either involve themselves in general Allegations, from which no certain Conclusion can be drawn, or pitch upon some frivolous Topick, which is of no Consequence whether right or wrong. An Instance of this, my Lord, hath happened within the current Year, which can be compared to nothing better than to the Practice of an *Irish* Judge in the unreformed times, who used to pass Sentence without attending to, and sometimes without hearing the Evidence. But I shall leave those Calumniators to the Conviction of their own Minds, and desire them only to read over the ninth Article of the Decalogue, and to consider, whether their Practice comes within the Prohibition thereof. If the Cap fits any body, he is welcome to wear it. I shall now resume something more material than the Consideration of such Triflers.

I have reserved, my LORD, for the last point the main Matters that must help the defects in the *Irish* History to full purpose; and yet in these we shall find some few Chasms that are now only to be lamented. It is obvious to Mankind, that the Records of Nations must be the main Basis and Foundation upon which the History of those Nations ought to be Built; yet few have considered the Importance of the Records of this Kingdom to the same end. I speak it, my LORD, from experience, that infinite are the Historical helps to be met with in the Roll Office, that of the Auditor General, *Birmingham* Tower, and other Repositories of Records in this City. The *Irish* before the *English* Conquest had no regular System of Laws or Government, nor the benefit of Offices of Record for the Custody of the Material Transactions of State; and that possibly may be one good Reason why the History of those unsettled Times are so dark and wretched. Have we greatly mended the matter by all the benefits that they wanted? I think not; unless we may except the Collections concerning *Irish* Affairs from the Tower of *London* intermixed in the several Volumes of

Rymer.

Rymer, Pryn, and a few others. To attempt an History of *Ireland* to any advantage a Writer must be at the Pains of consulting the Records of it ; otherwise he must risque his Reputation by building on the Performance of others, and cannot properly be called an Historian, but a Copyist or Transcriber, with some advantage, perhaps, of Language and Method. What the Labours of *Mr. Rymer* have produced in an Historical way hath been hinted before ; and from the like fund of Materials some Historian hereafter may arise to do credit to *Ireland*.

I have long since begun to make Collections out of the Records of this Kingdom to serve the purposes of History ; but, alas, my Lord, it is a task too severe for any single Hand, though the most Industrious, and more especially for one far advanced in Life. Such a Person should have the help of some experienced Clerks to assist his Labours and Transcribe under his Direction, which would bring the Matter to a point in a very few Years. Such Encouragement was thought worth the while in the neighbouring Kingdom ; whither it would be so in this must be submitted to the Consideration of those in Power. My Plan, my Lord, was, first, to Transcribe and Methodize in a Chronological Series all Records relating to *Ireland*, which are to be found in the twenty Volumes of *Mr. Rymer*, in the several laborious Collections of *Mr. Pryn*, (Books which are hardly to be purchased with Money) in *Doctor Wilkins*, *Spelman*, *Reily*, the Decretal Epistles of *Pope Innocent* the third, and some others. These, my LORD, I have compleatly ransacked and digested, and have added to them many hundreds of Historical Records from the Roils Office, and *Birmingham* Tower. I intend to proceed in the like Labours as far as my other necessary Avocations will permit ; but as I cannot hope singly to finish my projected Design during the remains of a far spent Life, I promise your Lordship I will leave my Collections in such Hands as they may be of use to the Publick, and help to shorten the Journey of some future Historian. This is all the way I have to testify my love to a Country, which hath given me Birth.

It is to be lamented, my Lord, that we have not a perfect Chain of Records existing through all the several Periods of the *English* Government, occasioned partly by the
decays

decays of time, partly by the negligence of Officers, and the bad Condition of Repositories in antient Days, and partly by the Casualties from Fire. Of Accidents of this last kind there is to be seen an antient Memorandum in Latin enrolled in the Chancery Office *Anno 2. Edw. II.* to this effect. "Memorandum, that all the Rolls of the "Chancery of Ireland, were in the time of Master *Thomas Cantock*, Chancellor of Ireland, in the 28th Year "of King *Edward*, Son to King *Henry* the III. destroyed "by an accidental Fire in the Abbey of the Blessed Vir- "gin *Mary* near *Dublin*, at the time when that Abbey "was burnt down; except two Rolls of the same Year, "which were delivered to Master *Walter de Thornbury* by "the King's Writ." The two Rolls here mentioned to be preserved are, I think, yet remaining, and endorsed, *Antiquissimæ literæ Patentes*, containing many useful mat- ters. This Loss, my Lord, is a Maim to the History of Ireland during the early Times of the *English* Government, namely, from the Year 1172, to the Year 1300 compré- hending the space of 128 Years. Yet this Loss is in some measure supplied (I will not say perfectly) partly by *Maurice Regan*, whose Fragment is here published, partly by *Giraldus Cambrensis*, and the Abbot *Benedict*, three Writers cotem- porary with the Actions they relate, and by some Manu- script Annals in being; but more amply by the Collec- tions made out of the Tower of London by *Pryn* and *Rymer*, and by *Baluzius's* Edition of the decretal Epistles of Pope *Innocent* the III. To which may be added, some Pieces in the Manuscripts intituled, *Crede mihi*, *Alan's Registry*, and the black Book of *Christ-Church*.

Another Chasm in the Chancery Office is in the times of King *Henry VIII.* during the first twenty Years of whose Reign there is but one Roll of the sixth remaining, and that of no great consequence. How this should happen is to me inconceivable. But his Reign is pretty accurately written by Sir *James Ware*, and some Pieces relating to it may be found in *Rymer*. For this, and all other Periods of the *English* History of Ireland, the accurate Historian must by all means consult the *Lambeth* Library, where he will find infinite matter in Indentures of Peace between the Chief Governors of Ireland, and many of the *Irish* Po- tentates in divers Ages, as also in Letters, Petitions, Or- ders,

ders, Instructions, Journals, Acts of Council, Submissions, Inquisitions, and infinite numbers of other Particulars down to the Reign of King *James* the First, the Catalogue of which alone would take up a Volume. Neither must he omit to visit the *Bodleian* and *Cotton* Libraries, in both which he will find plentiful Materials. That of the Duke of *Chandos* is dispersed (God knows) into how many Hands; but we rejoice that your Lordship hath some part of the Treasures formerly contained in it.

The burning down of the Council Office in the present Century hath also been a Maim to the *Irish* History; yet some Books and Papers have escaped that general Wreck, which ought to be consulted.

Many private Gentlemen have in their Custody Collections relating to *Irish* Affairs of good Value; and it would be a meritorious Action to deposite them where they may be turned to a general Emolument, or at least to communicate Notices of them to the Publick, that curious Men may, upon Occasion, know where to resort to them. The saying of *Nero* in relation to Musick, as reported by a *Roman* Historian (*f*), may with equal Justice be applied to Knowledge in general, *occultæ Musicæ nulum esse respectum*,—that no Regard is to be had to concealed Knowledge; because the World is not the better for it; to which may be added the saying also of a *Roman* Poet (*g*).

Scire tuum nihil est, nisi te scire hoc sciat alter.

That Knowledge is of no manner of use, except it be communicated to the World. If Gentlemen possessed of any valuable Manuscripts relating to this Kingdom think proper to hand them over to me, I will, by the Advice of my Brethren of the *Physico-Historical Society*, send them abroad in a second Part of the *Hibernica* among other Pieces of my own, which I intend to make publick in due Season. By these Methods; my Lord, the History of *Ireland* may gradually receive Improvements, and may Facts be brought to light, which hitherto have lain in the Shade; and this may help not only general, but all mixt History, and Inquiries into the County Descriptions of the Kingdom.

(*f*) *Sueton. in vita Neronis. Chap. 2.*

(*g*) *Persius. Sat. 1.*

Your

Your Lordship is the best Judge whether what I have offered in this tedious Essay may be of any use to the Improvement of the History of *Ireland*, or to the Benefit of it, in any shape: If it be not, let it be considered only as a Bolt shot at random by one, who would rather expose his Folly, than be deficient in any Service, how mean soever, to his Country. But let it have what Fate it may, at least it gives me an Opportunity of testifying how much I am,

My LORD,

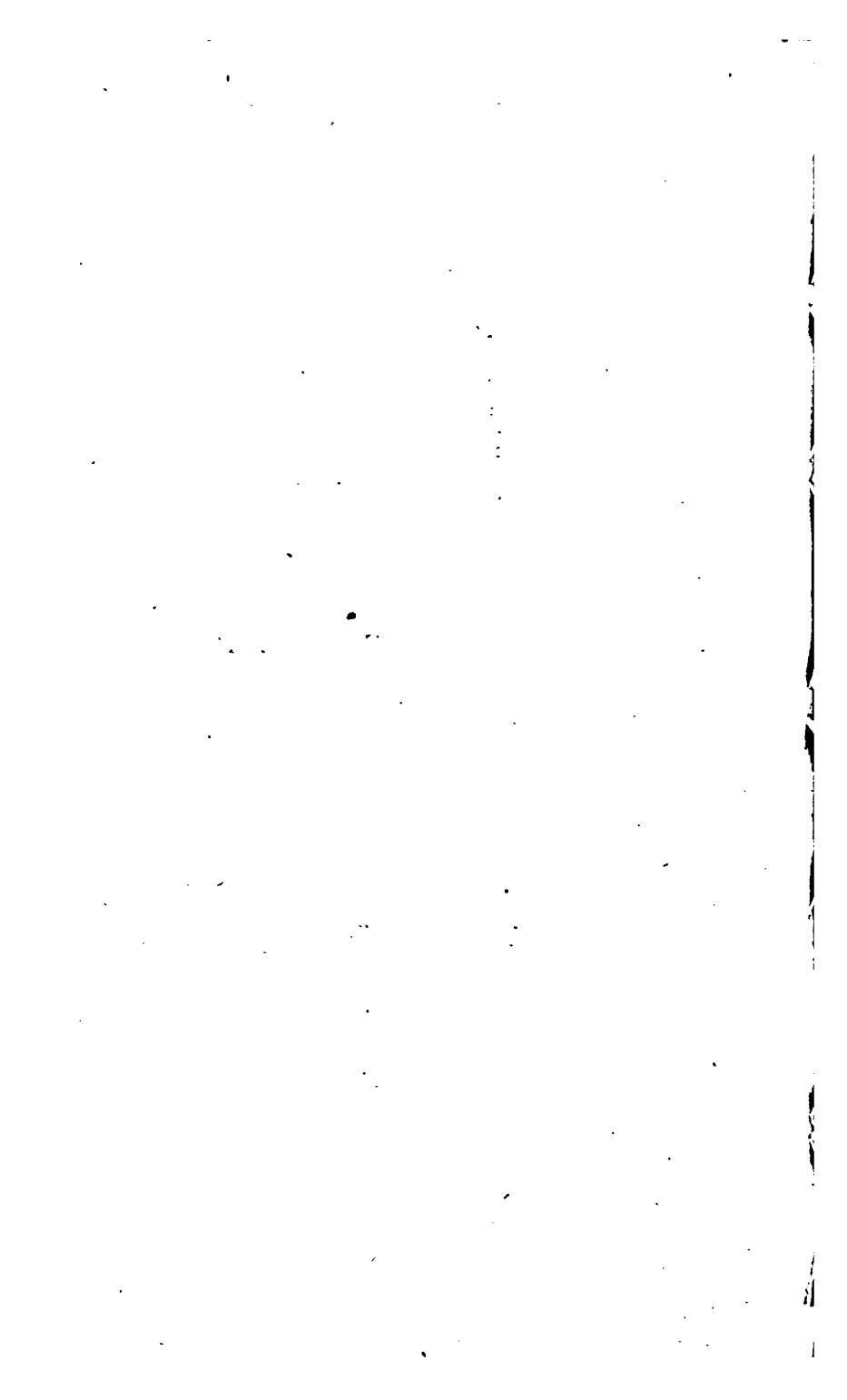
Your Lordships

Most obedient, and most

Humble Servant,

WALTER HARRIS.

F I N I S.



HIBERNICA:

PART II.

OR,

TWO TREATISES

RELATING TO

IRELAND.

CONTAINING,

I. A Declaration setting forth how, and by what Means, the Laws and Statutes of *England*, from Time to Time, came to be of force in *Ireland*; said to be written by Sir *Richard Bolton*, Lord Chancellor of *Ireland*.

II. The Answer of Sir *Samuel Mayart*, Serjeant at Law, and second Judge of the *Common-Pleas* in *Ireland*, to a Book intitled, a Declaration setting forth how, and by what Means, the Laws and Statutes of *England*, from Time to Time, came to be of force in *Ireland*.

Now first published from two Manuscripts formerly in the Possession of the late *WALTER HARRIS*, Esq;

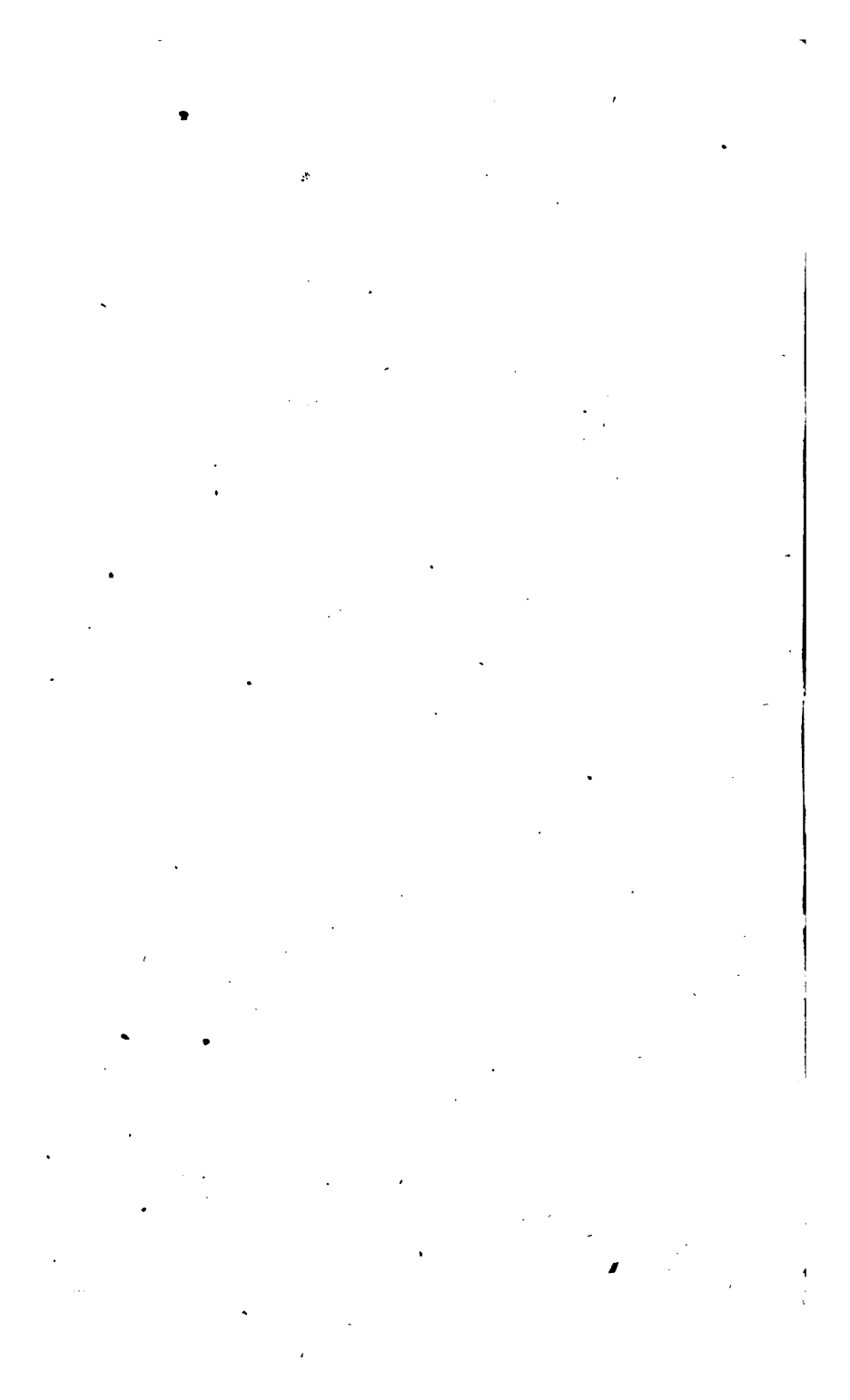
To which is prefixed, a Preface, shewing the Occasion of writing the said Treatises, and the Proceedings of the two Houses of Parliament thereupon.

*Tres mihi Convivæ prope dissentire videntur,
Poscentes vario multum diversa palato.
Quid dem? Quid non dem? renuis tu quod jubet alter:
Quod petis, id sane est invisum acidumque duobus.
Mibi isthic nec feritur nec metitur.
—— Laudatur ab his, Culpatur ab illis.
Cedo quemvis Arbitrum.*

HOR. EPIST.
PLAUT.
HOR. SAT.
TER.

D U B L I N :

Printed for JOHN MILLIKEN, (at No. 10) in *Skinner-Row*.
M, DCC, LXX.





P R E F A C E.

WHEN I committed the two Manuscripts, now printed, to the care of the Editor, I intended to have no more trouble with them, than merely to conduct them through the Press as free from Errors as possible, and also to give a literal translation of the Records, that they might be of use to the *English* Reader. But now, from his importunity, supported by the Bookseller's reasons, I find I must have the trouble of writing a Preface,—an arduous task, and which would savour too much of vanity, perhaps of folly, if he intended by his request, that I should set myself up as an Arbitrator between two Gentlemen of such learning, name, and abilities, as the Authors, or supposed Authors of these Treatises were. Sir *Samuel Mayart*, though stiled in the Manuscript only Serjeant at Law, was, at the time of writing the second Treatise, and long before, second Justice of the Court of Common Pleas, and was indisputably the Author of it, his name being to all the Copies of it I have seen; and he appears by the Journals of the House of Lords to have been the transacting Person in all the messages and proceedings had between the two Houses on occasion of the Declaration; and he insinuates *p.* 24. “that he writ it” to give some preparations to the considerations then intended to be had between the two houses on that occasion.”

There is no certain evidence, that Sir *Richard Bolton*, who was Chief Baron of the Exchequer, and at the time of this controversy, Lord Chancellor of *Ireland*, was the Author of the Treatise ascribed to him; which I have done only on the authority of one Manuscript, to which his name appears. But I am inclined rather to give the honour of the performance to *Patrick Darcy*, Esq; an eminent Lawyer, and an active Member of the House of Commons in the Parliament assembled at *Dublin* in 1640, when the Papists had a share in the Legislature, as well as the Protestants. There is extant in print an argument* of his delivered by express order of the House of Commons on the 9th

* Printed at *Waterford* by *Thomas Bourke*, Printer to the *Confederate Catholics of Ireland*, 1643, Quarto.

P R E F A C E.

of June 1641, made at a conference of the Commons with a Committee of the Lords, upon certain questions propounded to the Judges of *Ireland* in full Parliament, and their answers, in which conference he was Prolocutor. In this argument he alledges much of the substance of what is to be seen in the Declaration now published, and therein particularly insists, p 67, " That the general statutes of *England*, " were received in *Ireland*, some at one time, some at another, but all general statutes by *Poining's* Act of the " 10th of *Hen.* 7. and, *that no other statute, or new introductive law is of force in Ireland*, until the same be " first received and enacted in the Parliament of that kingdom ; which, proceeds he, may appear by two declarative statutes, the one of the 10th of *Hen.* 4. and the other of the 29th of *Hen.* 6." The Declaration of the House of Commons upon occasion of this conference was, among other things, " that the subjects of *Ireland* were a " free People, and to be governed only according to the " Common Law of *England*, and statutes established by the " Parliament of *Ireland*, and according to the lawful customs used therein." The conformity between what is alledged in the Declaration, and in *Darcy's* argument, inclines me to think him the Author of that paper.

This was the first beginning of the controversy ; but what gave a more immediate rise to it was the Act of *Adventurers* passed in the Parliament of *England* 17th Car. 1. for suppressing the rebellion of *Ireland*, of which the *Irish* Rebels, in their Remonstrance from *Trim*, delivered to his Majesty's Commissioners there on the 17th of *March*, 1642, loudly complain, and alledge, that it was declared in print by the order of the Lords Justices, *that Ireland, if named, was bound by an English statute, which (they say) was against law and custom for 400 years past : and that from the reign of King Hen. 2. there is no precedent that a statute made in England had any force in Ireland, until enacted there. That now, by false suggestions, an Act of Adventurers 17 Car. had passed in England, whereby the Irish, unsummoned and unheard, were declared Rebels, and two millions and a half of acres of their land disposed of : which Act, though forced on his Majesty, and in itself unjust and void, yet continues of evil consequence, and extreme prejudice to his Majesty, and totally destructive of the Irish Nation ; which therefore they* protest

P R E F A C E.

protest against, as an Act without precedent, against the King's prerogative, and the fundamental laws of the kingdom, praying, amongst other things, that Poining's Act may be suspended pro hac vice, and either continued or repealed, as shall be thought fit.

This Act of *Adventurers*, how necessary soever to suppress the Rebellion, and the position raised from thence in relation to *English* Acts binding in *Ireland*, was then deemed by many equally to affect the Protestants and Papists in that kingdom. This the Lords Justices declare in their answer to the *Irish* Remonstrance, and further alledge, “that
“ whether the Parliament of *Ireland* have equal power and
“ priviledges with the Parliament of *England*, and whether
“ an *English* statute can bind *Ireland*, is a matter fitter
“ to be disputed by arguments than arms; but that it is
“ false, that the Act of *Adventurers* in *England*, was ground-
“ ed or occasioned by any misinformation from *Ireland*,
“ which was subsequent to the Rebellion, and so could not
“ be a cause of it.”

This remonstrance and answer raised Parties among the Protestants, some holding the affirmative, and others the negative side of the question. Many copies of the *Declaration* in writing, now printed, went abroad, and at length a complaint was made of it in the House of Lords. What passed upon that occasion will be best set forth in the words of the Journals of that House, &c.

April 10. 1644. It is this day ordered by the Lords, &c. that Mr. Justice *Mayart*, and Mr. Baron *Hilton*, do repair to the House of Commons to morrow morning, with the book intituled, *A Declaration how, and by what means the Laws and Statutes of England came to be of force in Ireland*, and desire that House to take the said book into consideration, and to appoint a Committee to meet a Committee of this House, to have a Conference touching the said book.

April 12th, 1644. Mr. Justice *Mayart* reports, that they delivered the Message of this House yesterday to the House of Commons, together with the book, and that they say, they will take it into consideration, and return an answer by Messengers of their own.

April 16th, 1644. The Earl of *Roscommon* moves, that there be a message sent to the Commons to let them know, that they have expected them here these three days, and to

P R E F A C E.

know what they have done with the book then sent them, and what they should expect therein.

April 17th, 1644. A message from the Commons. Mr. Recorder acquaints the Lords, that the House of Commons appointed *this Morning* at 6 o'Clock to treat of the book sent down by this House to the Commons; and the said House being full, the said book was read through, and after debating it was resolved, that those of the Long Robe of that House should take it into consideration by the next Session, and that to that end they laid a command upon their Clerk to get Copies made of it; and desire, that the Judges, who attend this House, may likewise take the same into consideration, whereby it may be better discussed by next Session.

April 18th 1644. The Lord Chancellor propounds, that there be an answer sent to the Commons in Answer to Mr. Recorder's message yesterday, *viz.* that this House thinks fit, according to their desire, that the Judges here do join with those of the long Robe of that House *privately* to take into consideration the book intitled, *A Declaration, &c.* by the next Session. Mr. Justice *Mayart* reports, that they delivered the message of this House to the Commons, and saith, that they do well allow of the course propounded by this House touching the joining those of the long Robe of this House, with those of that House, to consider *privately* of the book intitled, *A Declaration, &c.*

It does not appear by the Journals what proceedings were further had upon this occasion, nor what resolutions the two Houses came to upon the conference. The Parliament was prorogued to the 6th of *May*, from thence to the 4th of *June*, and then to the 11th of *July*; and the 15th Session, which was that appointed to meet on the 11th of *July* is wanting in the Journals; and it visibly appears, that a leaf was torn out in the place, where the proceedings of the said Session were entered, and the same of the 25th Session. And the Journals of the Commons of 1644 are all wanting. So that if any resolutions upon this subject were entered in either of the said Places, we are left in the dark what they were.

All I can add is, that if the arguments advanced in either of these treatises shall contribute any thing to settle the minds of his Majesty's good Subjects in relation to the controverted

P R E F A C E.

troverted points, the end of publishing them will be abundantly answered. I was in hopes they would have appeared in the world something earlier; but the unaccountable delay of the press prevented these Intentions. Not that it is yet too late; for the billows still swell, though the storm is abated. It is in the option of the Readers which side of the controversy they will embrace. Truth is adorned with such amiable and convincing Characters, that it surely will in the end prevail, though a *Plato* or a *Socrates* should undertake to baffle it; and whoever of these Authors bears that character (which is nakedly submitted to the judicious Reader) his arguments will carry off the prize.

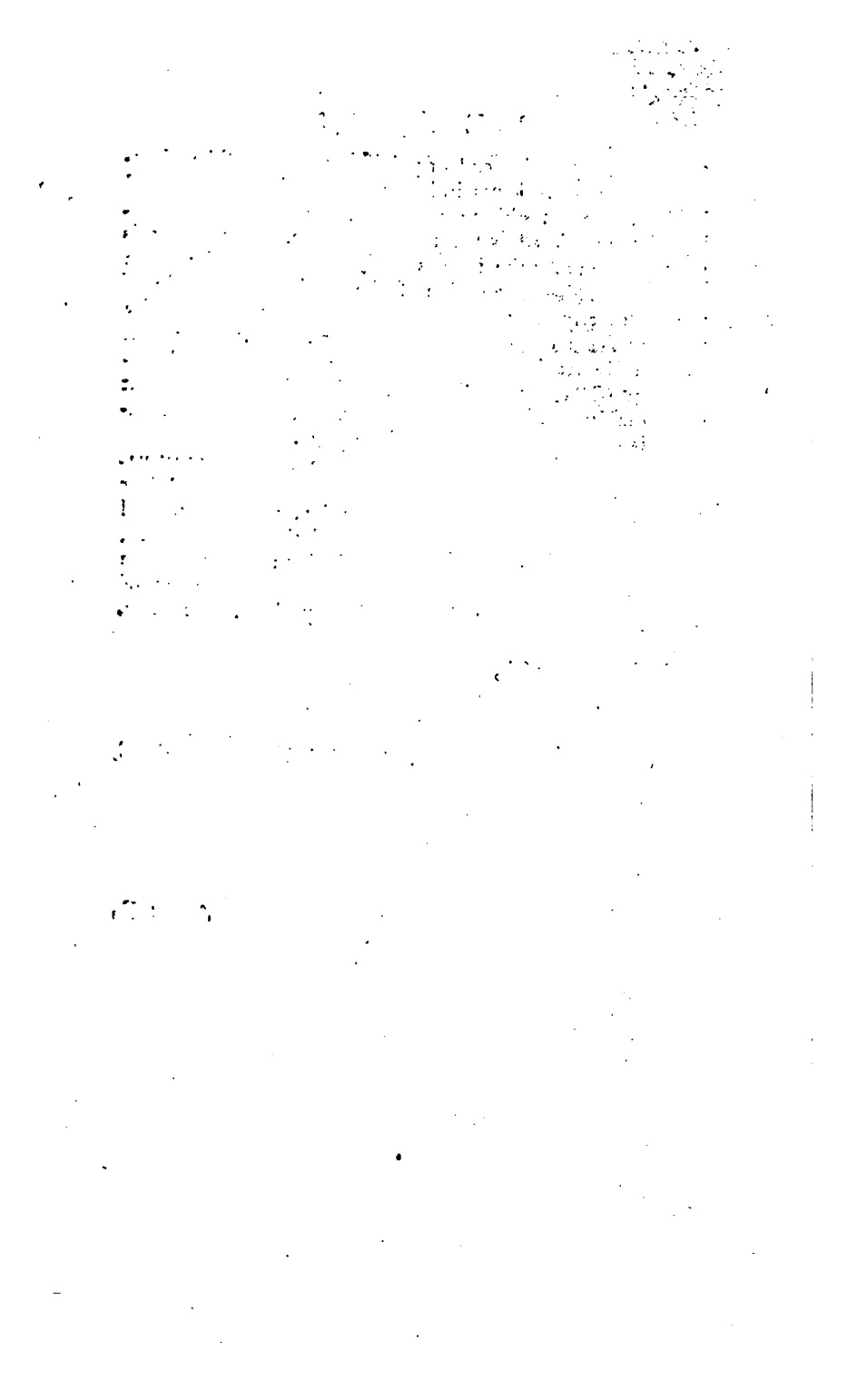
The Manuscripts now published were, among a great variety of others, lent to me by the Right Reverend Doctor *John Sterne*, late Lord Bishop of *Clogher*, who was pleased to give me licence to copy as many of them as I pleased, which I made use of to my full satisfaction; after which he made an inestimable present of them to the Gentlemen of *Trinity-College, Dublin*, in whose library they now remain.

Dublin, Jan. 16th,
1749.

W A L T E R H A R R I S.

A 4

A D E



A

DECLARATION

SETTING FORTH,

How, and by what MEANS,

T H E

L A W S and S T A T U T E S of *England*,

From T I M E to T I M E,

Came to be of *Force* in *Ireland*.

By Sir RICHARD BOLTON.

mem. probably by Patrick Henry p 4 supra

KING HENRY the second, in the 18th year of his reign, conquered the Kingdom of *Ireland* from the *Irish*, and placed there many of the *British*, and granted the City of *Dublin* to the Men of *Bristol* to inhabit, and returned into *England*; and afterwards in the 23d year of his reign by Parliament constituted his Son *John*, who afterwards was King of *England*, to be King of *Ireland*, and granted to him and his heirs the whole Kingdom;
and

H I B E R N I C A.

and in the 26th. year of his reign sent him into *Ireland*, with a great train of young Gallants, he being then but 12 years of age, who used the *Irish* with such disdain and derision, that the *Irish* took occasion thereat to revolt from him and his Government; so as shortly after he returned back again into *England* without doing any remarkable thing. But notwithstanding his creation to be King, yet during the life of King *Hen. 2d.* and *Rich. 1st.* he was stiled in his several charters by the name of *Dominus Hiberniæ*,—Lord of *Ireland*,—and not King, until after the death of King *Rich. 1st.* as appears by several charters by him granted to the City of *Dublin*, in the first whereof, being without date, he is stiled, *Johannes, filius Domini Regis Angliæ, et Dominus Hiberniæ.*—i. e. John, son of our Lord the King of *England*, and Lord of *Ireland*. And in the second, bearing date at *London* the 15th of *May* Anno. 3d. *Rich.* the 1st. he is stiled. *Johannes, Dominus Hiberniæ, Comes Mortonæ.*—i. e. John, Lord of *Ireland*, and Earl of *Morton*. And in a third charter granted to the City of *Dublin*, bearing date at *Upton* the 7th. day of *February*, in the 2d. year of his reign, he is stiled,

“ *Johannis, Dei Gratia, Rex Angliæ, Dominus Hiberniæ,*
 “ *Dux Normandiæ, et Aquitanæ, et Comes Andegaviæ.*—
 i. e. John, by the Grace of God, King of *England*, Lord of *Ireland*, Duke of *Normandy* and *Aquitain*, and Earl of *Anjou*.

And afterwards in the 12th year of his reign he came again into *Ireland*, and brought with him many learned persons in the Law, and other Officers, and Ministers of all sorts, and established the form of Civil Government to be according to the Laws of *England*, as appears in the first book of Institutes of the Lord *Cooke*, fol. 141; and in the Lord *Cooke*'s 7th Report, fol. 22. in *Calvin's Case*, extracted out of the Patent Roll of 11th *Hen. 3d.* Membrane, 3. the words are these,

“ Rex

“ Rex, &c. baronibus, militibus, et omnibus libere tenentibus, Salutem. Satis, ut credimus, vestra audivit discretio, quod, quando, bonæ memoriæ, Johannes, quondam Rex Angliæ, pater noster, venit in Hiberniam, ipse duxit secum viros discretos, et in lege peritos, quorum communi Consilio, et ad instantiam *Hibernensium*, statuit et præcepit leges *Anglicanas* in *Hibernia*, ita quod leges easdem, in Scripturas redactas reliquit sub Sigillo suo ad Scaccarium *Dublin.*”

The King, &c. To the Barons, Knights, and all his Freeholders, greeting. Your Wisedoms, as we believe, have sufficiently been informed, that when *John*, formerly King of *England*, our Father, of happy memory, came into *Ireland*, he brought with him discreet Men, skilled in the Laws, by whose concurrent advice, at the request of the *Irish*, he ordained and commanded the Laws of *England* to be observed in *Ireland*, and left the said Laws, reduced into writing, under his Seal in the Exchequer at *Dublin*.

And in another record in 13. *Edw.* cited by the Lord *Cooke* in the first book of his Institutes, fol. 141, it followeth in these words, viz.

“ Una et eadem Lex esse debet, tam in Regno *Angliæ*, quam *Hibernia.*” — One and the same Law ought to be observed both in *England* and *Ireland*.

And in 2d. of *Rich.* 3d. fol. 12:

Terra *Hiberniæ* habet Parliamentum, prout in *Anglia*, et per idem Parliamentum facit leges, et mutat leges, et illi de eadem terra non obligantur per Statutum in *Anglia*, quia hii non habent milites Parliamenti.

The land of *Ireland* has a Parliament, as in *England*, and by the same Parliament makes laws, and changes laws; and the People of that land are not bound by a Statute made in *England*, because they have not therein Knights of Parliament.

And likewise in Rot. patent, 30. *Hen.* 3. it is recorded,

“ Rex, &c. quia pro Communi utilitate terræ *Hiberniæ*, et pro unitate terrarum, provi-
sum

The King, &c. Because for the common interest of the land of *Ireland*, and for the unity of
both

“ sum est, quod omnes leges
 “ et Consuetudines, quæ in
 “ Regno *Angliæ* tenentur, in
 “ *Hiberniâ* teneantur, et eadem
 “ terra iisdem legibus subja-
 “ ceat, et per easdem rega-
 “ tur, sicut *Johannes* Rex,
 “ cum illic esset, Statuit, et
 “ firmiter Mandavit; ideo vo-
 “ lumus, quod omnia brevia de
 “ communi jure, quæ *currunt*
 “ in *Angliâ*, similiter *currant* in
 “ *Hiberniâ*, sub novo Sigillo
 “ Regis. In cujus &c. teste
 “ me ipso apud *Woodstocke*.”

both Countries, it is provided,
 that all laws and customs, which
 are observed in the Kingdom
 of *England*, should be observed
 in *Ireland*, and that the said
 land should be subject to, and
 be governed by the same laws,
 as *K. John*, when he was there,
 ordained, and firmly command-
 ed; therefore we will, that
 all writs at common Law which
 run in *England*, should in like
 manner run in *Ireland* under
 the King's new seal. In testi-
 mony whereof &c. Witness
 my self at *Woodstock*.

So as now the common Laws of *England* became the proper
 Laws of *Ireland*; and because they have Parliaments holden
 there, whereat they have made divers particular Laws con-
 cerning that Dominion, as it appears in 2d. *Hen.* 6. fol. 8.
 and 20 *Eliz.* Dier fol. 360, and by the resolution of *Cal-*
vin's case, *Cooke*, li. 7. fol. 23. it appears, that *Ireland* is
 governed by laws and customs separate and divers from the
 laws of *England*; which proveth, that it is a distinct Domi-
 nion, separate from the Kingdom of *England*; and although
 the ordinance of King *John* for the establishment of the laws
 of *England* in the Kingdom of *Ireland*, be several, yet it is
 manifest, that the common Law of *England* was only put in
 execution in those parts of *Ireland*, which were reduced and
 divided into Counties, and not in the *Irish* Countries or
 Territories, which were not reduced into Counties or Shire
 Grounds until the time of Queen *Mary*, and Queen *Eliza-*
beth. For King *John* made but 12 Counties, all which
 were in *Leinster* and *Munster*, viz: in *Leinster*, the Coun-
 ties of *Dublin*, *Meath*, *Uriel*, now called *Lowth*, *Kildare*,
Katherlagh, *Kilkenny*, and *Wexford*, which contain all the
 Province of *Leinster*, except these Territories following, viz.
 upper *Offory*, which was inhabited by the *Fitzpatricks*,
Leix, which was inhabited by the *Moore*s, *Offaly*, which
 was inhabited by the *O-Connors*, *Ely O-Carroll*, which was
 inhabited by the *O-Carrolls*, and some other Territories,
 which

which were inhabited by other Irish Septs; and in *Munster*, the Counties of *Waterford*, *Kork*, *Kerry*, *Limerick*, and *Tipperary*; which last mentioned 5 Counties do contain the whole Province of *Munster*. The Territories of *Leix*, *Offaly*, and *Ely O-Carroll*, and some others, were reduced into Counties in the time of Queen *Mary*; and then the same were divided into two Counties, the one called the *Queen's County*, the other the *King's County*. So likewise the Province of *Connaught*, and *Ulster*, after the 11th. year of Queen *Elizabeth*, were divided into several Counties, according to a Statute made to that purpose in 11th. *Eliz.* Chap. 9. that is to say, *Connaught* was divided into 7 Counties, (viz) the County of *Galway*, the County of *Clare*, the County of *Roscommon*, the County of *Mayo*, the County of *Sligoe*, the County of *Longford*, and the County of *Leitrim*. And in the like manner, the Province of *Ulster* was divided into nine Counties; namely, the County of *Downe*, the County of *Antrim*, the County of *Tyrone*, the County of *Ardmagh*, the County of *Monaghan*, the County of *Cavan*, the County of *Fermanagh*, the County of *Donegal*, and the County of *Londonderry*; so as now, all impediments being so removed, that the laws of *England*, and the King's Writ may have free passage through all the parts of *Ireland*, it is to be considered in the first place, upon how many parts the laws of *England* do consist, and how from time to time by several degrees they have been made of force in the Kingdom of *Ireland*.

These laws of *England* consist of three parts, first, of the general customs of the kingdom of *England*, which have been used beyond the memory of man, and accepted and approved by Prince and People, and are those, which are called the common laws of *England*. The second sort are particular and local customs, used in some particular Manors, Territories, Cities, and Baronies, and Towns, grounded upon some reasonable causes, and used in times beyond the memory of Man; and of these Mr. *Littleton* saith that,

Consuetudo ex certâ et rationabili causâ usitata privat communem legem.

Custom, grounded upon certain and reasonable causes, takes away the common law.

The

The third sort are Statute Laws, made in Parliament by the King, the Lords spiritual and temporal, and the Commons, which are the representative body of the Commonwealth : And of this sort, some are general laws, extending to all parts of the kingdom, and some are particular, extending only to particular places or persons. And of the general laws, some are introductory and positive, and some are declaratory, declaring the common law in some doubtful and ambiguous point, and some are mutatory, to alter and repeal some former laws in part or in the whole. But the Common Laws are general customs, and the particular customs were only of force in *England* in the time of King *John* ; for all the statute laws now of force in *England* have been made since that time, viz. in the reign of *Hen. 3.* and in the reigns of other succeeding Kings. So as the laws established by King *John* in *Ireland*, in the twelfth year of his reign, were only these general customs, which are now called the Common Laws. And the particular and local customs, which are limited to persons or places, which could not be transferred or applied by any general words to the Kingdom of *Ireland*, where the persons or places, whereunto these particular customs were limited and confined, are not to be found, and concerning the Statute Laws, which have been made since the time of King *John*, so many of them as concern particular persons, and particular places in *England*, cannot by any general confirmation or approbation become to be laws of Force in *Ireland* ; where no such places or persons are to be found ; but all such statutes as have been made since the time that King *John* established the laws of *England* in the kingdom of *Ireland*, which are only declaratory of the Common Laws, are of force in *Ireland*, without any other confirmation or approbation, but only the first establishment. And of this Sort are the statutes of *Magna Charta*, made in the 9th. year of *Hen. 3.* the statute made in 14th. of *Hen. 3.* called *Statutum Hiberniæ*, and the statute of 25th. of *Edw. 3.* called the *Statute de Proditionibus*, and many other statutes of the like kind. But such statutes as have been made in *England* since the 11th of King *John*, and are introductory and positive, making new laws, or any ways altering, adding unto, or diminishing the ancient Common Laws, have not been

been binding, or any ways of force in *Ireland*, until such time as they have been enacted, allowed, and approved of, by act of Parliament in *Ireland*; as may appear by the judgments of nine Parliaments holden there, (*viz.*) in 13th. of *Edw.* 2. in a Parliament in *Ireland*, the Statutes of *Merton* and *Marlebridge*, made in the time of *Hen.* 3. and the statutes of *Westminster* 1st, and of *Westminster* 2d, and the Statute of *Gloucester*, made in the time of *Edw.* 1. were confirmed and approved to be of force in *Ireland*, and all other statutes, which were of force in *England*, were then referred to be examined in the next Parliament, and so many of them, as should be then allowed, and published, to be accepted for laws in *Ireland*. And afterwards, in a Parliament holden in *Ireland* in 19th. of *Edw.* 2. it was enacted, that the statutes made in *England* should not be of force in the kingdom of *Ireland*, unless they were allowed and published in that kingdom by Parliament; and the like statute was made again in 29th. of *Hen.* 6. But these statutes are not to be found in these parliament rolls, nor any parliament rolls at that time, but the same are exemplified under the great Seal, and the exemplifications were remaining in the Treasury of the city of *Waterford*: And it is most certain, that not only these parliament rolls, but also many other rolls and records miscarried in those troublesome and distempered times, which have been in *Ireland*: For in all the times of *Edw.* 3. *Rich.* 2. *Hen.* 4. and *Hen.* 5. which is almost an hundred years, there is not any parliament roll to be found; and yet it is most certain, that divers Parliaments were holden in those times. Moreover in 28th of *Edw.* 1. 5th of *Edw.* 3. 14th of *Edw.* 3. 25th of *Edw.* 3. 34th. of *Edw.* 3. and 7th of *Rich.* 2. divers good laws were made in *England* by several Acts of Parliament against the extortions and oppressions of Purveyors; which laws were never received, nor put in execution in *Ireland*, until the 18th of *Hen.* 6. *Chap.* 1. that it was enacted, agreed, and established by Parliament in *Ireland*, that all statutes made against Purveyors within the realm of *England* should be holden and kept in all points, and put in execution in *Ireland*.

It also appeareth in the year book of 20th *Hen.* 6. fol. 8. that one *John Pilkington* brought a *Scire facias* against one *A.* to

A. to shew cause why Letters Patents, whereby the King had granted an Office in *Ireland* to the said *A.* should not be repealed, whereas the said *John Pilkington* had the same Office granted him by former Letters Patents granted by the same King, to occupy by himself or his deputy. Whereupon the said *A.* was warned and appeared, and said, ' That the land of *Ireland*, time beyond the memory of man, hath been a land separated, and severed from the realm of *England*, and ruled and governed by the customs and laws of the same land of *Ireland*. And that the Lords of the same land, which are of the King's Council, have used from time to time in the absence of the King to elect a Justice, which Justice so elected hath power to pardon and punish all Felonies, Trespases, &c. and to assemble a Parliament; and by the advice of the Lords and Commonalty to make statutes; and he alledgeth further, that a Parliament was assembled, and that it was ordained by the said Parliament, that every Man who had any Office within the said land, before a certain day, and he puts the day in certain, shall occupy the said Office by himself, or otherwise that he shall forfeit his Office. And sheweth further, how the said *John Pilkington* occupied the said Office by a deputy, and that, inasmuch as he came not in proper person to reside upon his Office before the day, that his Office was void, and that the King by his Letters Patents granted the said Office so become void to the said *A.* and prayed, that the said Letters Patents should be effectual, and not repealed.' And upon the plea the said *John Pilkington* demurred in Law. In the argument of which case, it was debated by the Judges, *Yelverton*, *Fortescue*, *Portington*, *Markham*, and *Ascough* whether the said prescription were good, or void in law; *Yelverton* and *Portington* held the prescription void; but *Fortescue*, *Markham*, and *Ascough* held the prescription good, and that the Letters Patents made to *A.* were good and effectual, and ought not to be repealed: and in the argument of this case, it was agreed by *Fortescue* and *Portington*, that if a tenth or fifteenth be granted by Parliament in *England*, that shall not bind them in *Ireland*; although the King send the same statute into *Ireland* under his great Seal: except they in *Ireland* will in their Parliament approve it; but if they will approve it, then it shall bind in *Ireland*. And *Portington* said,

said, that if a tenth be granted in the Parliament of *England*, that shall not bind in *Ireland*, because they have not any commandment by writ to come to our Parliament ; and this was not denied by *Markham*, *Yelverton*, or *Ascough*. Upon this case these points following are to be observed, First, that the Lords of the Council of *Ireland* had then power, in the absence of the King, and vacancy of a Lieutenant or Deputy, to elect a Justice, and that is plainly proved by the preamble of the statutes of 33d. of *Hen. 8. Chap. 2. in Ireland*. The words are these ; ‘ For as much as continually sithens the conquest of this realm of *Ireland*, it hath been used in this same realm of *Ireland*, that at every such time, as it hath chaunced the same realm to be destitute of a Lieutenant, Deputy, Justice, or other head Governour, by death, surrender, or departure out of the said realm, or otherwise, the Council of this realm of *Ireland*, for the time being, have used by the laws and usages of the same, to assemble themselves together to choose and elect a Justice, to be Ruler and Governour of this realm, till the King’s Highness had deputed and ordained a Lieutenant, Deputy, or other Governour for the same realm ; which Justice, so being elected, was and hath been always by the ancient laws and customs of this said realm of *Ireland* authorised to do and exercise the said rounne of Deputy there, for the good rule and governance, and leading of the King’s subjects within the said realm of *Ireland*, and in ministracion of Justice, with divers other authorities, preheminences, and jurisdictions there ; which usage, election, and authority of the said Justice hath been many times ratified and confirmed by divers statutes in this Realm provided and made. But this order of election of a Justice is now by the said statute of 33d. of *Hen. 8.* altered ; as by the said statute more at large may appear.’

The second point to be observed upon this said Case is, that the Lord Justice, for the time being, had power to summon a Parliament, and therein to enact laws, and statutes, without any commission from the King.

The third point to be observed upon the said Case is, that the statutes made in *England* do not bind in *Ireland*, unless the same be approved and allowed of in the Parliament of *Ireland*. But afterwards in the time of *Edw. 4.* a doubt was conceived, whether the statute made in *England* in 6

Rich. 2. Chap. 6. concerning Rape, ought to be of force in *Ireland*, without a confirmation thereof by Parliament: for the clearing of which ambiguity and doubt in 8 *Edw. 4. Chap. 1.* in *Ireland*, it was enacted by authority of Parliament, that the said statute of 6 *Rich. 2.* be adjudged and approved in force and strength; and that the statute may be of force in this land of *Ireland* from the 6th day of *March* then last past, and from thenceforth the said act, and all other statutes and acts made by the authority of Parliament within the realm of *England* be ratified and confirmed, and adjudged by the authority of the said Parliament, in their force and strength from the said 6th day of *March*. The cause of which doubt and ambiguity is not expressed in the said statute; but it may be collected, that the said statute was by some men conceived to be but a declaration and explanation of the true meaning of the statute of *Westminster 2. Chap. 34.* concerning Rape, which was formerly confirmed and approved by Act of Parliament in 13 *Edw. 2.* The words of the statute are these as followeth, *viz.* If any man from henceforth ravish any woman, married lady, damsel, or other, with force, where she did not consent, neither before nor after, he shall have judgment of life and member. And likewise, where a man ravished a woman, married lady, damsel, or other with force, although she consent afterwards, he shall have judgment as aforesaid, if he be not attainted, and if no man will sue, the King shall have the suit; and for women carried away with the goods of their husbands the King shall have the suit for the goods taken away: and in case the wife wilfully forsake her husband, and go away, and continue with the adulterer, she shall be barred for ever of Action to demand her dower, that she ought to have of her husband's estate, if she be convicted thereupon. But the truth is, that the said statute of *Rich. 2.* is not only a declaration of the said statute of *Westminster 2. Chap. 34.* but an addition, that is, the wife shall by the statute of *Westminster 2.* lose her dower by consenting to the ravisher, and living with him in adultery; so the single woman by the statute of 6 *Rich. 2.* shall forfeit her inheritance, if she consent to the ravisher; so as until the said statute of 8 *Edw. 4.* the said statute of 6 *Rich. 2.* was not wholly of force in *Ireland*; and that may appear by the words of the said statute of 8 *Edw. 4.* For by the words

H I B E R N I C A:

words thereof the said statute of 6 *Rich.* 2. was to be of force from the 6th of *March* then last past, whereas, if the said statute of 6 *Rich.* 2. had been but a declaration or explanation of the statute of *Westminster* 2. *Chap.* 34. it would have been of force at all times since the making of the statute of *Westminster* 2d. which was in 13 *Edw.* 1. And although the statute of 8 *Edw.* 4. be general, that all other statutes and acts made by the authority of Parliament within the realm of *England* should be of force in *Ireland*, there be many statutes made in *England*, which concern particular Cities, and particular Persons, which are not of force in *Ireland* by the general words of that statute of 8 *Edw.* 4. For it were absurd to make such construction, that a statute made in *England* concerning the City of *London* should be in force in *Ireland* by any general words for it; so it must either be of force throughout the whole kingdom, or not at all; for it cannot be applied to any one particular city in *Ireland*, more than to another. But the true construction of the said statute is, to make all such statutes of force in *Ireland*, as are general laws throughout the kingdom of *England*, and not such as are limited or restrained to particular places, or particular uses and purposes, which may not aptly or fitly be applied to *Ireland*.

Likewise in the year book of 2 *Rich.* 3. fol. 11. divers merchants of the City of *Waterford*, in *Ireland*, shipped divers merchandizes of the Staple, intending to carry them to *Sluice* in *Flanders*, and not to *Calais*, contrary to a statute made in *England* in 2 *Hen.* 6. *Chap.* 4. whereby it is enacted, that the whole repair of wools, wool-fells, leather, whole tin, and shotten tin, and all other merchandizes belonging to the Staple, passing out of the realm of *England*, and the countries of *Wales* and *Ireland*, to be at *Calais* in *France*, upon pain of forfeiture of the very value of the merchandize, which shall be carried elsewhere, and that no licence from thenceforth be granted to the contrary, except for wool-fells and leather of *Northumberland*, and the Bishoprick of *Durham*; and he that espieth the same, and thereof giveth knowledge to the Treasurer of *England*, shall have a fourth part of the forfeiture so by him espied: and the said ship, against the will of the said merchants arrived at *Calais*, and there Sir *Thomas Thwaites* Knight seized upon the said ship, and after the said merchants petitioned to the

King and his council at *Westminster* by Bill to have restitution; and the said *Thwaites* alledged the said statute, and further shewed, that the said merchants made an indenture with the master of the ship to transport the said merchandize into *Flanders*, and not to *Calais*; and the merchants shewed a licence of *Edw. 3.* and a confirmation of *Edw. 4.* and another confirmation of *Rich. 3.* made to the commonalty and merchants of the said City, by the name of their Corporation, and to their heirs and successors, to carry and transport out of the land of *Ireland* merchandizes of the Staple whither soever they pleased: and upon that matter two questions were moved. First, if towns corporated in *Ireland*, and other inhabitants in *Ireland*, shall be bound by statutes made in *England*. And the second question was, if the King may give licence contrary to the statute, especially where it is ordained by the statute, that the finder shall have part of the forfeiture, and the King shall have the residue. And for the solution of these questions, all the Justices were assembled in the Exchequer Chamber. And as to the first question, it was said, that the land of *Ireland* in itself had a Parliament, and all other Courts as in *England*, and by the same Parliament doth make laws and change laws, and are not bound by the statutes of *England*, because they have not therein Knights of Parliament. But this is understood of lands and things in that land only to be affected; but the persons are the King's subjects, and as subjects are bound to any thing to be done out of *Ireland* against the statute, as the inhabitants of *Calais*, *Gascogne*, *Guines*, were while they were subjects, and likewise shall be obedient to the Admiral of *England* of things done upon the sea; and likewise a Writ of Error of a judgment given in *Ireland* doth lie in the King's Bench in *England*. And for the second question, the King may give a licence, with a clause of *non obstant*. But in 1 *Hen. 7.* all the Justices being in the Exchequer Chamber, the said question was moved again between them of the City of *Waterford*, and Sir *Thomas Thwaites*, Treasurer of *Calais*, and then *Hussey*, Chief Justice, said, that the statutes made in *England* did bind them of *Ireland*. But afterwards 10 *Hen. 7. Chap. 22.* it was enacted in a Parliament in *Ireland*, that all statutes then lately made within the said realm of *England*, concerning or belonging to the common or publick weale of the same, from thenceforth should

should be deemed good and effectual in the law, and over that accepted, used, and executed within the land of *Ireland* at all times requisite, according to the tenor and effect of the same; and over that by the authority aforesaid, that they, and every of them, be authorized, proved, and confirmed in the said land of *Ireland*.

By all which statutes made from time to time in *Ireland* it plainly appeareth, that all statutes made in *England* before 10 *Hen. 7.* concerning or belonging to the publick and Commonwealth of *England*, are made to be of force, and to become laws in *Ireland*. And likewise at the same Parliament, *Chap. 4.* it was ordained, enacted, and established, that no Parliament should after that time be holden in *Ireland*, but at such season, as the King's Lieutenant and Council there do first certify the King under the great Seal of that land the causes and considerations, and all such acts, as to them seemed should pass in the said Parliament, and such causes, considerations, and acts, affirmed by the King and his Council, to be good and expedient for that land, and his licence thereupon, as well in affirmation of the said causes and acts, as to summon the said Parliament under his great Seal of *England* had and obtained; that done a Parliament to be had and holden after the form and effect before rehearsed; and if any Parliament be holden in that land hereafter, contrary to the form and provision aforesaid, it be deemed void and of no effect in law.

And forasmuch, as since the making of the act of 10 *Hen. 7. Chap. 4.* commonly called *Poining's act*, divers and sundry ambiguities and doubts have been made upon the true meaning and understanding of the same; for the avoiding of which doubts and ambiguities, and for a full and plain declaration of the true meaning and understanding of the said act, in 3 and 4 *Philip and Mar. Chap. 4.* it was ordained, enacted, and established by authority of Parliament, that the said act, and every clause and article therein contained, should from the first day of *September* then last past, be expounded, and understood, and taken, as hereafter followeth (that is to say) that no Parliament be summoned or holden within the realm of *Ireland*, until such time as the Lieutenant, Lord Deputy, Lord Justice, Lords Justices, Chief Governor, or Governors or any of them, and the Counsaile of the said realm of *Ireland* for the time being,

shall certify the King and Queen's Majesty, or her heirs and successors under the great Seal of the realm of *Ireland*, the considerations, causes, and articles of such acts, provisions and ordinances, as by them shall be thought meet and necessary to be enacted here by Parliament; and shall have also received again their Majesties answers under the great Seal of *England*, declaring their pleasure either for passing of the said acts, provisions, and ordinances, in such form and tenor as they should be sent into *England*, or else for the chaunge or alterations of them, or any part of the same; and it was further enacted by the authority aforesaid, that after such return made, and after licence and authority to summon a Parliament within the said realm of *Ireland*, granted under the great Seal of *England* unto the Lieutenant, or the Lord Deputy, or other Lord Justice, or Lords Justices, Governor, or Governors, shall and may summon and hold a Parliament within the realm of *Ireland* for passing and agreeing upon such acts, and no others, as shall be returned under the said great Seal of *England*: and forasmuch as many events and occasions may happen during the time of the Parliament, which shall be thought meet and necessary to be provided for, and yet at or before the time of summoning of the Parliament were not thought nor agreed upon; therefore, it was then further enacted and established by the authority of the said Parliament, that as well after every such authority, and licence sent unto the said realm of *Ireland*, as also at all times after the summons, and during the time of every Parliament to be hereafter holden within the realm of *Ireland*, according to the tenor and form of the said act, the Lieutenant, Lord Deputy, Lords Justices, Chief Governor or Governors, and Council of the said realm, for the time being, shall and may certify all such other causes, considerations, tenors, provisions, and ordinances, as they shall further then think good to be enacted and established at and in the said Parliament within the same realm, to the King and Queen's Majesty, her heirs and successors, under the great Seal of the said realm of *Ireland*, and such causes, considerations, tenors, provisions, and ordinances, or any of them, shall be thereupon certified and returned into the said realm, under the great Seal of *England*, and no others, shall or may pass, and be enacted in every such Parliament within the said realm of *Ireland*, in case the same considerations,

tions, causes, tenors, provisions, and ordinances, or any of them, shall be agreed and resolved upon by the three estates of the said Parliament; any thing contained in the said act, or in the aforesaid act made at *Drogheda*, commonly called *Poining's act*, to the contrary notwithstanding.

By these two last mentioned statutes, the manner of summoning a Parliament in *Ireland*, and the proceedings and passing of acts in the same, are much altered from that which was before 10 *Hen. 7.* For now, by these two statutes it is so provided, that no act can be so much as read in Parliament without the King's allowance by the advice of both his Councils of *England* and *Ireland*; and these acts have been held so sacred in *Ireland*, that in 11 *Eliz. Chap. 8.* it is enacted, that no Bill shall be certified into *England* for the repeal or suspending of the said statute of 10 *Hen. 7.* called *Poining's act*, before the said Bill be first agreed upon in a session of Parliament holden within the realm of *Ireland* by the more number of the Lords assembled in Parliament, and the greater number of the Commons House. And if there be any act passed, or to be passed thereupon, touching the repeal or suspending of the said statutes made in 10 *Hen. 7.* called *Poining's act*, the same to be utterly void and of no effect to all purposes and intents.

By this, which hath been already shewed, it is apparent, that none of the statutes made in *England* from the 12th year of King *John*, until 10 *Hen. 7.* (which were introductory or positive) have been received or put in execution, as laws, in the realm of *Ireland*, until the same were approved and enacted by several acts of Parliament in *Ireland*.

Now it followeth to take into consideration what acts of Parliament made in *England* since 10th of *Hen. 7.* are now in force in *Ireland*, and how the same came to be of force there. It is true, that since 10 *Hen. 7.* there have been many acts of Parliament made in *England* of great importance both for the government of the common-wealth, and the administration of justice between party and party, which are now of force in *Ireland*: but none of them were ever received as laws in *Ireland*, until the same were enacted by several Parliaments holden in *Ireland*, as, amongst many others, may appear by the particulars following. In 21 *Hen. 8. Chap. 7.* an act was made in *England*, that makes it so-

lony in a servant that runneth away with the goods of his master or mistress; and this act was not received in *Ireland* until the same was enacted by a Parliament holden in *Ireland* in 33 *Hen. 8. Sess. 1. Chap. 5.* In 21 *Hen. 8. Chap. 19.* there was a law made in *England*, that all Lords might distrain upon the lands of them holden for their rents and services, and to make their avowries, not naming the tenant, but upon the lands: but this law was not received in *Ireland* until it was enacted there in 33 *Hen. 8. Sess. 1. Chap. 7.* An act was made in *England* in *Anno 31 Hen. 8. Chap. 1.* that joint tenants, and tenants in common, should be compelled to make partition; which act was not received in *Ireland* until it was enacted there in 33 *Hen. 8. Sess. 1. Chap. 10.* In 27 *Hen. 8. Chap. 10.* the statute of uses into possession; which statute was never received, nor of force in *Ireland*, till the same was enacted in *Ireland*, 10 *Car. 1. Chap. 1.* So likewise, 32 *Hen. 8. Chap. 1.* a statute was enacted in *England*, whereby it is directed, how lands and tenements may be disposed by will, and concerning wardships, and primer seizins; which statute was never received, nor of force in *Ireland*, until it was enacted by Parliament in *Ireland* in 10 *Car. 1. Chap. 2.* In *Anno 1 Eliz. Chap. 5.* there was an act made in *England* for the uniformity of the Common Prayer and Administration of the Sacraments; which act was not received in *Ireland*, until the same was confirmed and established by Parliament in *Anno 2 Eliz. Chap. 2.* In *Anno 5 Eliz. Chap. 9.* there was an act of Parliament made in *England* for the punishment of wilful perjury; which act was not of force in *Ireland* until the same was enacted by a Parliament in *Ireland* in 28 *Eliz. Chap. 1.* Another act was made in *England* in *Anno 3 Eliz. Chap. 12.* for the punishment of Witchcraft and Sorcery, and another act in the same year, *Chap. 14.* for the punishment of Forgery; which acts were not of force in *Ireland* until the same were enacted by Parliament there in 28 *Eliz. Chap. 2. 3.* In 28 *Hen. 8. Chap. 15.* there was an act made in *England* for the punishment of Piracy; which act was not of force in *Ireland* until the same was enacted in *Ireland* in 12th of *James, Chap. 2.* In 27th of *Eliz. Chap. 4.* an act was made in *England* against fraudulent conveyances, which act was not of force,

nor

nor received in *Ireland*, until the same was enacted in *Ireland* 10 Car. 1. Chap. 3. besides many other acts made in the several reigns of Hen. 8. Edward 6. Queen Elizabeth, King James, and the King's Majesty who now is. And it is not to be found in any record in *Ireland*, that ever any Act of Parliament made in *England* since the time of King John, was by the judgment of any Court received for law, or put in execution in the realm of *Ireland*, before such time as the same was confirmed and established by Act of Parliament in *Ireland*.

But it may be objected, that although such Acts of Parliament as have been enacted in *England*, wherein no mention hath been made of *Ireland*, do not bind, and are not of force in *Ireland*; yet all such acts, as have been, or shall be made in *England*, wherein *Ireland* is particularly named, are, and shall be of force there, without any confirmation or approbation by Act of Parliament in *Ireland*; as for example. The statute of 14th Hen. 3. intitled *Statutum Hibernie*.—The Statute for *Ireland*, concerning Co-heirs, the Ordinance made 17th Edw. 1. intitled *Ordinatio pro Statu Hibernie*.—An Ordinance for the State of *Ireland*, and the opinion of Hussy, chief Justice in 1 Hen. 7. fol. 3. which is, that Statutes made in *England* shall bind them of *Ireland*, and likewise an opinion in Calvin's case, that albeit *Ireland* be a distinct dominion from *England*, yet the title thereof being by conquest, the same by judgment of law, might by express words be bound by the Parliament of *England*; and albeit there be no reservation, wherein King John's Charter of establishing the laws of *England* in *Ireland*, yet by judgment of law a writ of error did lye in the King's Bench in *England* of an erroneous judgment in the King's-Bench in *Ireland*.

To these objections it may be answered; first, for the statute of 14th of Hen. 3. intitled *Statutum Hibernie*.—the Statute for *Ireland*, the same was not an introductory law, but an explanation of the ancient Common Law, as may appear by the very words thereof. The words are these,

“ Cum Milites de partibus Hi-
 “ bernie, nuper ad nos acce-
 “ dentes, nobis ostenderunt,
 “ quod cum hæreditas devolu-
 “ tisset

Whereas certain Knights from
Ireland, lately approaching our
 presence, have represented un-
 to us, that when an inheritance
 has

" tasset; videlicet, inter so-
 " res In terrâ nostrâ *Hibernia*,
 " iusticiarii de iisdem partibus
 " Itinerantes incerti sunt, utrum
 " post natâ sorores tenere de-
 " beant de primô genitâ sorore,
 " et ei facere homagium, aut
 " non; et quia prædicti milites
 " petierunt qualiter in Regno
 " nostro *Angliæ* in casu consi-
 " mili hætenus usatum fuit,
 " sic ad Instantiam eandem vo-
 " bis significavimus, quod in
 " Regno nostro *Angliæ* talis est
 " lex et consuetudo in hoc ca-
 " su, quod si quis tenuerit de
 " nobis in capite, et habuerit
 " filias hæredes, ipso parte de-
 " functo, Antecessores nostri
 " habuerant, Nos semper habu-
 " imus, et cepimus, homagium
 " de omnibus huiusmodi filia-
 " bus, et singulæ earundem te-
 " nuerunt de nobis in capite in
 " hoc casu; et si infra ætatem
 " fuerint, nos habebimus cus-
 " todiam earundem et marita-
 " gium singularum: Si autem
 " de alio Domino tenuerint, et
 " ipsæ sorores infra ætatem fu-
 " erint, earum Dominus habeat
 " custodiam et maritagium ea-
 " rundem ac singularum, & pri-
 " mo genita suum faciet homa-
 " gium Domino pro se et om-
 " nibus sororibus suis; et aliæ
 " sorores, cum ad ætatem ve-
 " nerint, facient servitia Domi-
 " no feodi per manum primo
 " genitæ, nec possent primo ge-
 " nitæ ratione vel occasione a
 " post natis sororibus homagi-
 " um vel custodiam, vel ali-
 " quam aliam subjectionem,
 " exigere vel habere; quia, cui
 " omnes

has devolved upon sisters in *Ire-*
land, the Justices Itinerant of
 those parts are uncertain, whe-
 ther the younger sisters ought to
 hold of the elder sisters, and do
 homage to her or not. And
 because the said Knights have
 desired to know, how the usage
 of *England* hath hitherto been
 in the like case, we thus at their
 instance signify unto you, that
 in our kingdom of *England*, the
 law and custom is such in that
 case, that if any person should
 hold of us *in capite*, and should
 have daughters for his heirs,
 their father being dead, our An-
 cestors have had, and we also
 have received and taken ho-
 mage of all such daughters, and
 each of them in such case doth
 hold of us *in capite*; and if they
 be under age, we shall have the
 ward and marriage of them and
 each of them. But if they should
 hold of any other Lord, and the
 sisters should be within age, their
 Lord shall have the ward and
 marriage of them and each of
 them, and the eldest shall do
 her homage to the Lord for
 herself, and all her sisters, and
 the other sisters, when they ar-
 rive at full age, shall do their
 services to the Lord of the fee
 by the hands of the eldest; nor
 can the eldest sisters by any
 reason or occasion exact or re-
 ceive homage, or wardship, or
 any other subjection, from the
 younger sisters; because to
 whomever all are, as it were,
 one heir of one inheritance, if
 the eldest may receive the ho-
 mage of the other sisters, or de-
 mand

" omnes sunt quasi unus hæres
 " de unâ hæreditate, si primo
 " genita posset habere homagi-
 " um aliarum sororum, vel cus-
 " todiam petere, tunc esset illa
 " hæreditas divisa, ita quod
 " primo genita soror esset simul
 " et semel de una hæreditate
 " Domina et hæres, hæres au-
 " tem suæ partis, et Domina
 " sororum suarum, quod qui-
 " dem in isto casu fieri not po-
 " terit, cum ipsa primo genita
 " nihil posset petere plus quam
 " aliz sorores, nisi capitale mes-
 " suagium ratione. Preterea si
 " primo genita hujusmodi homa-
 " gium a post natis sororibus
 " suis acciperet, esset quasi do-
 " mina earum, et habere posset
 " custodiam earum, et filiorum
 " suorum, et hoc esset quasi
 " committere agnum lupo ad
 " devorandum. Et ideo vobis
 " mandamus, quod prædictas
 " consuetudines, quas in Reg-
 " no nostro *Angliæ* habemus
 " in hoc casu, ut prædictum est,
 " in terrâ nostrâ *Hiberniæ* pro-
 " clamari faciatis & observari."

mand the wardship, then that
 inheritance would be divided,
 so that the elder sister would
 be lady and heiress of one and
 the same inheritance, that is,
 heiress of her own purparty, and
 lady of her sisters, which can-
 not be in this case, when the
 eldest sister can demand nothing
 more than the other sisters, ex-
 cept the capital messuage. Be-
 sides, if the eldest sister should
 receive such homage from her
 younger sisters, she would be
 as it were, lady of them, and
 might have the wardship of them
 and their children, and that
 would be, as it were, to com-
 mit the Lamb to the Wolf to
 be devoured. And therefore
 we command you, that you
 cause to be proclaimed and ob-
 served in our land of *Ireland* the
 said customs, which in such
 case, as aforesaid, are in use in,
England.

So likewise the statute of *Magna Charta*, which was only
 a declaration of the Common Law, was of force in *Ireland*,
 before any statute made in *Ireland* for confirmation of the
 same; and that may well appear by the statute of 13th of
Edw. 2. before remembered, whereby the statutes of *Mor-*
ton and *Marlebridge 1st. Westm. 2.* and the statute of *Glou-*
cester were confirmed in *Ireland*, wherein *Magna Charta*
 is not mentioned; which doubtless would have been, if the
 same had been needful; but being a declaration of the Com-
 mon Law, it was not thought needful to be confirmed, as
 the other statutes therein mentioned; which were in the
 most part of them introductive and positive; and concern-
 ing the Ordinance, intituled *Ordinatio pro Statu Hiberniæ*,
 the

the same was never received in *Ireland*; for that Ordinance, amongst other things, doth ordain, that the Justice of *Ireland*, nor no other Minister of the King in that land, as long as they are in their offices, should purchase any lands or tenements within the said land, within the limits of their jurisdiction, without the King's special Licence; and if any do to the contrary, that that which he shall purchase, shall be forfeited to the King, and his heirs; and it is manifest, that many Justices of *Ireland*, and other officers, have in all ages since the making of the said Ordinance, acquired and purchased, without the King's Licence, great possessions in all parts of *Ireland*; and yet it doth not appear by any office, inquisitions, or other records, that ever the King hath been intitled to any such lands, which doubtless would have been, if the said Ordinance had been of any force within the Kingdom of *Ireland*. Secondly, the said Ordinance is no Act of Parliament, but only an Ordinance made by the King, by the assent of his Council; and therefore could not have the force of law. For if a King come to a Christian kingdom by conquest, seeing he hath *potestatem vitae et necis*, he may at his pleasure alter and change the laws of that kingdom; but until he doth make an alteration of those laws, the antient laws of the kingdom remain; but if a Christian King should conquer the kingdom of an Infidel, and bring them under subjection, there *ipso facto* the laws of the Infidel are abrogated; for that they be not only against Christianity, but against the law of God and Nature, contained in the decalogue; and in that case, until certain laws be established amongst them, the King by himself, and such Judges as he shall appoint, shall judge them, and their causes, according to natural equity, in such sort as Kings in antient times did within their kingdoms, before any certain laws were given. But if a King have a kingdom by title of descent, there, seeing that by the laws of that kingdom he doth inherit the kingdom, he cannot change those laws of himself, without consent of Parliament. Also, if a King have a Christian kingdom by conquest, as King *Hen. 2.* had *Ireland*, after King *John* had given unto them, being under his obedience, the laws of *England* for the government of that kingdom, which are not only regal, but also politick; no succeeding King could alter the same without a Parliament of that kingdom, as it appears in *Calvin's* case,

Cooke

Cooke L. 7. fol. 17. And as to the opinion of *Hussy*, chief Justice, in 1st of *Hen. 7. fol. 3.* that the statutes made in *England* shall bind them of *Ireland*, this opinion, as it is put by him generally, cannot be law; for *Brooke*, in abridging that case in title Parliament, *Sect. 19.* saith, that that opinion was denied to be law, the last term before; and added further, *tamen nota*, that *Ireland* is a realm of itself, and hath a Parliament in itself, implying thereby, that *Ireland* could not be bound but by a Parliament of *Ireland*. And according to that is the opinion of the Judges in 20th *Hen. 6. fol. 8.* in *John Pilkington's* case, and in 2d. *Rich. 3. fol. 11.* in the Merchants of *Waterford's* case, before remembered; and likewise contrary to the opinion of *Hussy* are the judgments of eight several Parliaments in *Ireland* before the Statute of 10th of *Hen. 7. viz. 13th of Edw. 2. 19th of Edw. 2. 18th of Hen. 6. 29th of Hen. 6. 32. of Hen. 6. 37th of Hen. 6. and 8th of Edw. 4.* And since the statute 10th of *Hen. 7.* of five Parliaments; viz. 28th of *Hen. 8. 33d of Hen. 8. 28th of Eliz. 11th of Jam. and 10. Car.* besides the statute of 10th *Hen. 7.* itself: and it doth not appear by any record to be found in *Ireland*, or in any of the year books in *England*, since the time of King *John*, which is above four hundred years, that any judgment was ever given or grounded upon any statute made in *England*, which is a mere positive law, and not a declaration of the Common Law, before the same was received, and allowed by Act of Parliament in *Ireland*; and, although the words of *Hussy* be general, without restriction, yet I conceive his meaning was not so; but that by the words (the Statutes of *England*) he intended such statutes as concerned the matter then in question, which were the statutes concerning the Staple of *Calais*, in which statute *Ireland* is particularly named: and yet by the opinion of the Judges in 2d *Rich. 3.* that statute was not of force in *Ireland*; and as to the opinion in *Calvin's* case, *Cooke*, lib. 7. fol. 17. viz. that albeit *Ireland* were a distinct Dominion, yet the title thereof being by conquest, the same by judgment of law might by express words be bound by the Parliament of *England*; for proof of which opinion it is added, that albeit no reservation were in King *John's* Charter, yet, by judgment of law, a writ of error lyeth in the King's Bench in *England* of an erroneous judgment in the King's Bench in *Ireland*. For clearing of this point, and answering

ing of this objection, besides the said book cases in 20 *Hen.* 6. and 2 *Edw.* 3. we shall find divers judgments of Parliament in *Ireland* to the contrary since the statute 10 *Hen.* 7. viz. in 24 *Hen.* 8. Chap. 12, &c. An act was made in *England* concerning appeals to *Rome*, which Act doth by express words extend to all his Majesty's Dominions; yet the same was not received, nor of force in *Ireland*, until it was enacted by Act of Parliament there in 28 *Hen.* 8. Chap. 6. Also the statute of 28 *Hen.* 8. Chap. 8. made in *England* concerning the first fruits of the Clergy extended by express words to any of the King's Dominions; yet the same was not received, or of force in *Ireland*, until it was enacted there by Parliament in 28 *Hen.* 8. Chap. 8. Likewise the act of faculties made in *England* 25 *Hen.* 8. Chap. 21. extended by express words to all the King's Dominions; yet the same was not received, or of force in *Ireland*, until it was enacted by Parliament in *Ireland*, 28 *Hen.* 8. Chap. 19.

And now, in as much as the laws of *England* and *Ireland* do not admit of any inconveniencies; it is to be considered, what inconveniencies may follow, if the Kingdom of *Ireland* should be bound by any statute made in *England*, and not confirmed by Act of Parliament in *Ireland*. First, the Parliament of *Ireland* should be nugatory and superfluous, if by naming *Ireland* in any statute made in *England*, *Ireland* should be bound; then all these Parliaments which have been holden in *Ireland* since 12 King *John*, for the space of about 400 years, should have been needless and superfluous, which is not to be imagined. Secondly, if the statutes made in *England*, by expressing *Ireland*, should be binding, then by the same reason, a statute made in *England* may repeal, alter, or change, all the laws and statutes, which hitherto have been made and approved, or hereafter shall be made or approved in *Ireland*, which were a thing marvelous inconvenient for that Kingdom: and Mr. *Littleton* saith, that the laws will rather suffer a particular mischief, than a general inconveniency; and it is most certain that *Argumentum ab inconvenienti est in lege fortissimum*.—An argument drawn from any inconvenience is of the greatest force in Law. Thirdly, if the Parliaments of *England* and *Ireland* be holden at one and the same time, as they now are, and the one Parliament shall make a law, and the other likewise

likewise should make another law direct contrary to the other in the same point, it may be demanded, which of these laws shall be obeyed in *Ireland*? Fourthly, if the statutes made in *Ireland* by those who best know the state and condition of the Kingdom of *Ireland*, and of the people there, shall not be repealed, or any ways altered, or changed, or when laws be imposed by the Parliament of *England*, which cannot possibly know the state and condition of *Ireland*, so well as those, which are inhabiting, and have been born and lived many years in that Kingdom, it would be very inconvenient for them; no man's estate could be made secure or permanent by the Laws of *Ireland*, and what dangerous consequence might follow thereupon by the discontent of that nation, I leave to the consideration of those that are in authority, and best know how to prevent such future inconvenience; and considering that the statutes of *Ireland* are made with such cautions, and in such form, as is prescribed by *Poyning's* act in 10 *Hen. 7.* and in 3 and 4 *Philip and Mary*, viz. First, that all the acts must be considered of the chief Governor, Governors, and Council of *Ireland*, and presented under the great Seal of *Ireland* to the King's most excellent Majesty, and by his Majesty and Council of *England*, approved and altered, and so transmitted into *Ireland* under the great Seal of *England*, and then, and not before, to be propounded in the Parliament of *Ireland*, and there to pass the votes of both Houses, and thereupon the royal Assent to be given by the chief Governor, or Governors of *Ireland*, who must have a special Commission under the great Seal of *England*, to that purpose; I cannot conceive why the Laws and Statutes made in *Ireland* should be controuled, or any ways altered, by any other Authority, than by the Parliament of that Kingdom; — *Nil tam conveniens naturali æquitati unumquemque dissolvi eo ligamine, quo ligatus est.*—Nothing is so agreeable to natural equity, as that every one should be unbound by the same authority, by which he was bound. Fifthly, the Kingdoms of *England* and *Ireland* are as well political as regal, and the laws thereof grounded upon parity of reason, and legal policy; and surely it standeth not with the rule of reason and politic Government, that the Liberties, Laws, and Estates, of those of the Kingdom of *Ireland*, and of their posterities, should
be

be bound by any Laws or Statutes made in *England*, whereunto they are not any ways made privy nor parties: for by the rules of reason and politic Government, to all Statute Laws, whereby the whole Commonwealth is to be governed, the members thereof are to give assent, and a law made by the King, and Peers, or by the Peers and Commons, or by the King and Commons, without the Peers; or by the Peers and Commons, without the King, is of no force, and so it appeareth in 10 *Hen.* 7. Chap. 23. in *Ireland*, when it was declared, that a Parliament there holden before Sir *Robert Preſton*, Knt. Viscount of *Germanstown*, then Lord Deputy, should be deemed void to all intents and purposes for divers causes therein expressed, whereof one was, because there was no general summons of that Parliament to all the Shires, but only to four; and by the year books in 11 *Hen.* 7. fol. 27. and 33 *Hen.* 6. fol. 17. it appeareth, that to make a law by act of Parliament there must be the assent of the King, and also of the Lords and Commons; and therefore in 28 *Hen.* 8. Chap. 26. when *Wales* was by act of Parliament united and incorporated to be a member and party of the realm of *England*, and to be inheritable to the laws of *England*, it was thought reasonable, and so enacted in the same Parliament, that every County should send one Knight to the Parliament, and every Borough, one Burgess, to have votes in Parliament, as Knights and Burgesses of other Counties and Burroughs had; and in 34 *Hen.* 8. Chap. 13. the like statute was made for the County Palatine of *Chester*, to send Knights and Burgesses to the Parliament, as the County Palatine of *Lancaster*, or any other County doth. Sixthly, it is inconsistent with the dignity, power, and jurisdiction of the high Court of Parliament, that the same should be subordinate to the Parliament of another kingdom; for the Court of Parliament is, *Curia altissima et suprema*.—The highest and most supreme Court, and by the laws both of *England* and *Ireland* hath a double capacity of jurisdiction, the one ordinary of judicature, to judge according to the laws already in force; the other supreme and absolute, and legislative, either to repeal former laws, or to alter or change the law in some particular point, or to make new laws for the better government of the Commonwealth; and therefore, being *suprema et altissima Curia*

Curia cannot be subordinate nor subject to the controlling of any other power or jurisdiction. For although all the People of *England*, *Scotland*, and *Ireland*, are subjected to the King's Majesty, yet the same is, *respectu diversorum*—in divers respects. And each kingdom hath its own several Parliaments, and several and distinct Laws: and it doth not thereby follow, that the Parliament of one of those Kingdoms should be subordinate or subject to the controul of another; for by that reason, the Parliament of *Scotland* should be subordinate to the Parliament of *England*, which hitherto never was; neither did the *French*, when the greatest part of *France* in the time of *Hen. 6.* was subject to the King of *England*, acknowledge to be subordinate to the Parliament of *England*. And lastly, although writs of error to reverse judgments given in the King's-Bench in *Ireland* may be prosecuted in the King's-Bench in *England*, it doth not therefore follow, that the Parliament of *England* may repeal, alter, or change any laws or statutes of *Ireland*, or give new laws unto that kingdom: for if a writ of error be brought in *England* to reverse a judgment given in the King's-Bench of *Ireland*, the Judges of *England* are not to alter or change the laws of *Ireland*, or to give judgment according to the laws in *England* in such case, but according to the laws in *Ireland*, where the first judgment was given. For by a writ of error they are to examine whether the judgment given in *Ireland* be erroneous, and contrary to the laws of *Ireland*, and not whether it be contrary to the laws of *England*. For example; by the laws of *Ireland* if the husband be attainted of felony, the wife by such attainder shall be barred to demand any dower of the freehold and inheritance of her husband; and this was the ancient Common Law of *England*; but by a statute made in *England* in the time of *Edw. 6.* in such a case of attainder, the wife is not to be barred to demand her dower. Put the case then, that a woman bringeth a writ of dower in the court of Common Pleas in *Ireland*, to be endowed of the freehold and inheritance of her husband, the tenant pleads in bar of her dower, that during the coverture her husband was seized, and attainted of felony, and pleads the record of the attainder in certain, she demurs upon this plea, and judgment is given against the demandant, as by the law of *Ireland*

And it ought to be; the demandant prosecutes a writ of error in the King's-Bench of *Ireland* to reverse the said judgment, and thereupon judgment is affirmed; the demandant in the writ of dower, not herewith content, but conceiving, that by the said statute made in *England* in the time of *Edw. 6.* the wife in such case of attainder of felony is not debarred to demand her dower, prosecuteth a writ of error in the King's Bench of *England*; in this case the Judges of the King's Bench of *England* ought to judge according to the laws of *Ireland*, where the first judgment was given, which is, that the wife ought to be barred of her dower, by the attainder of her husband, and not to judge according to the said statute of *Edw. 6.* So likewise before the statute of 10th *Car. 1st. Sess. 2. Chap. 7.* in *Ireland*, if a Disseisor had died seized of lands, and no continual claim had been made, the entry of the Disseisee was tolled, and he was put to recover his right by a real action, and not by way of entry; and by a statute made in *England* in 32d of *Hen. 8. Chap. 33.* it was enacted, that no such Disseisin, and dying seized, should toll the entry of the Disseisee, or his heirs, except such Disseisor had continued in the peaceable possession by the space of five years next after the Disseisin by him committed. Now put the case, that before the said statute of 10th *Car. 1. 7.* and after the said statute of 32d of *Hen. 8. Chap. 33.* a Disseisor had gained the possession of any lands by Disseisin, and within the space of five years next after such Disseisin had died seized, no entry or continual claim being made by the Disseisee or his heirs, and the Disseisee had entered into the said land, and the heir of the Disseisor bring an action against him *quare clausum fregit*, and upon not guilty pleaded in the King's Bench of *Ireland* the Jury finds the special matter, and there upon not guilty pleaded, judgment is given for the Plaintiff, as it ought to be, as the law was then in *Ireland*, and thereupon the Defendant pursueth a writ of error in the King's Bench in *England*: in this case the Judges of *England* ought to affirm the judgment given in *Ireland* according to the laws of *Ireland*, and not to reverse the same according to the said statute of 32d of *Hen. 8.* in *England*. Another objection more probable than any of those formerly rehearsed may be made upon a branch of the statute of 25th of *Hen. 8. Chap. 20.*
made

made in *England*, concerning the consecrating and electing Archbishops and Bishops, the words of which branch are as followeth, viz.—“ Be it enacted, ordained, and established, that at every avoydance of any Archbishoprick, or Bishoprick within this realm, or in any other the King’s Dominions, the King, our Sovereign Lord, his heirs and successors, may grant to the Prior and Convent, or Dean and Chapter of the Cathedral Churches, or Monasteries where the See of such Archbishopricks or Bishopricks shall happen to be void, a licence under the great Seal of *England*, as of old time hath been accustomed, to proceed to election of an Archbishop or Bishop of the See so being void, with a letter missive, containing the name of the person which they shall elect and chuse; by virtue of which licence and letter missive so directed, they shall with all speed and celerity in due form elect and chuse the said person named in the said letter missive, to the dignity and office of the Archbishoprick or Bishoprick, so being void, and none other; and if they do defer or delay their election above twelve days next after such licence and letter missive to them delivered, that then for every such default, the King’s Highness, his heirs and successors, at their liberty and pleasure, shall nominate and present by their Letters Patents under the great Seal such person to the said office and dignity, so being void, as they shall think able and convenient for the same; and that every such nomination and presentment to be made by the King’s Highness, his heirs, and successors, if it be to the office and dignity of a Bishop, shall be made to the Archbishop and Metropolitan of the province, where the See of the same Bishop is void, and if it be void, then to be made to such Archbishop and Metropolitan within this realm, or in any of the King’s Dominions, as shall please the King’s Highness, his heirs, and successors; and if any such nomination or presentment shall happen to be made for default of such election to the dignity or office of any Archbishoprick; then the King’s Highness, his heirs and successors, by his Letters Patent under his great Seal, shall nominate and present such person, as they will dispose to have the said office and dignity of Archbishop, being void, to any such Archbishop, and two such Bishops, or else to four such Bishops in this realm,

“ or in any of the King’s Dominions, as shall be assigned
 “ by our sovereign Lord, his heirs, and successors, &c.”
 which act was never confirmed or approved by any Act of
 Parliament in *Ireland*; and yet *Fitzherbert* in his *Natura
 Brev.* fol. 169. saith, that if a Bishoprick of *Ireland* be
 void, that they do sue to the King in *England* to go to elec-
 tion of another, and after the election made, they must have
 his royal assent to this election upon certificate made thereof
 to the King, and upon that a writ shall be directed out of
 the Chancery of *England* to the Chief Justice of *Ireland*, or
 to his Lieutenant, rehearsing all this matter, commanding
 him to take the seals of the Bishop, and to restore to him
 the temporalities; but now, saith he, the course is in *Ire-
 land*, to make such Writs there in the name of the King,
 but the King doth name the Bishop there, and also in *Eng-
 land*, and then the Chapter shall chuse him that the King
 hath named to them, and thereupon the writs are made of
 course.

Thereupon it may be objected, that a statute made in
England is binding in *Ireland*, without any approbation of
 the Parliament there, as in this particular case it was, as
 Justice *Fitzherbert* affirmeth. But hereunto it is answered,
 that this statute consists of several particulars, First, a de-
 claration of the King’s right and prerogative by the antient
 Common Law, and the restitution thereof to the Crown.
 Secondly, an advice how, and in what manner, the King
 may use his prerogative, as appears by that branch of the
 statute before specified; for the words are not compulsive;
 that the King shall grant a *Congé d’essier*, but the words
 are, that the King, his heirs and successors, may grant a
 Writ of *Congé d’essier*, as of old time has been accustomed,
 with a *Letter Missive*, containing the name of the person to
 be elected. And in default of such elective, the King, his
 heirs, and successors, at their liberty and pleasure, shall no-
 minate and present by their Letters Patents under the great
 Seal a person to the said office and dignity, so being void,
 as they shall think able and convenient for the same. Ano-
 ther part of the said statute is penal to the Archbishops, and
 Bishops, and likewise to the Deans and Chapters, if they
 do not proceed to the election and consecration according
 to that branch of this statute, which is above rehearsed;
 and therefore, those branches of the said statute, as are de-
 claratory

claratory of the Common Law, are, and ought to be of force in *Ireland*, without any approbation thereof by the Parliament there: and the writ of *Conge d' eslier* is not grounded upon this statute of 25 *Hen.* 8. but was long before, as appears by the Register, fol. 294, and 295, and by this statute itself. And that this statute of 25 *Hen.* 8. is a declaration of the Common Law, is proved, and excellently declared, by the statute of 25 *Edw.* 3. *De provisoribus*, and also, by another statute therein recited made at *Carlisle* in 25 *Edw.* 1. For by the Common Law the King is founder and patron of all Archbishopricks, and Bishopricks, and of common right to him only it belongeth to have the nomination and placing of such persons in and to the same, as he shall think fit; and this likewise appears by the statute of 1 *Edw.* 6. *Chap.* 2. made in *England*, whereby it is declared, that the election of Archbishops, and Bishops, by the Deans and Chapters, within the realms of *England* and *Ireland*, be as well to the long delay, as to the great costs and charges of such persons, as the King giveth any Archbishopricks or Bishopricks unto; and that the said elections be indeed no elections, but only by writ of *Conge d' eslier*, have colours, shadows, or pretences of elections, serving nevertheless to no purpose, and seem only derogatory and prejudicial to the King's prerogative royal, to whom only appertaineth the collation and gift of all Bishopricks within his Highness's realms of *England* and *Ireland*; and the like declaration was made in *Ireland* by act of Parliament in *Anno* 2 *Eliz.* *Chap.* 4. so as upon the whole matter it was in the King's election after the statute 25 *Hen.* 8. and until the statute 1 *Edw.* 6. in *England*, and 2 *Eliz.* in *Ireland*, to confer Archbishopricks and Bishopricks, either according to the ancient form of *Conge d' eslier*, or by his Letters Patents, according to the said statutes of 25 *Edw.* 3. 1 *E.* 6. and 2 *Eliz.* or according to his ancient right or prerogative by the Common Law: and the statute of 25 *Hen.* 8. is no impediment thereunto; for in 14th *Eliz.* *Chap.* 7. it is enacted, that the Lord Chancellor, Lord Treasurer, and the Judges in *Cras-tino animarum*, shall nominate a Sheriff for every county, notwithstanding such statute in 5. 6. *Edw.* *Dier.* fol. 214. was ruled by the opinion of *Cateline*, Chief Justice of the King's Bench, *Dier*, Chief Justice of the Common Pleas, and the rest of the Judges, that although no Sheriff were

named by the Judges, according to the statute 14 *Eliz.* the Queen by her prerogative may make a Sheriff, without any such election; and that the same statute was not any impediment thereunto. Hereby it appeareth, that King *Henry* the 8th by his ancient right, and royal prerogative, notwithstanding the statute of the 25th, might confer Archbishopricks and Bishopricks by his Letters Patents, without any *Conge d' ester*, as is mentioned in the said statute; for it was at his election to use the form prescribed by the statute, which is not compulsory, but by way of advice, or to use his ancient prerogative; and for a more clear proof thereof see 33 *Hen.* 8. *Dier.* fol. 156. and *Cooke* lib. 11. fol. 64, in *Dr. Foster's* case, where many good cases are put, and many good books are cited upon this ground.

Upon serious consideration of all that hath been said formerly, three considerable questions may be moved, *viz.*—First, whether upon the conquest made by King *Hen.* 2d. immediately, *ipso facto*, the kingdom of *Ireland* was inseparably annexed to *England*, or was subordinate to the jurisdiction of that Parliament or not? Admitting that it were, then 2dly, whether by the said grant of *Hen.* 2. made to his son *John*, the same be not separated and disjointed from the kingdom of *England*, and thereby the regal power which King *Henry* 2. had by the conquest were not totally transferred to King *John*. 3dly, In what capacity King *John* established the laws of *England* in *Ireland*, (*viz.*) whether as he was King of *England*, or as Lord of *Ireland*.

The first of these questions may receive this answer, *viz.* that *Ireland*, being a christian kingdom, the laws thereof did continue, until such time as the conqueror should establish some other laws, or some other form of government therein; which was not done until the 7th year of King *John*; which was twenty eight years after the conquest; during all which time, the ancient laws of *Ireland* continuing, it is manifest, that the laws of *England* had not any footing in *Ireland*; and therefore the Kingdom of *Ireland*, during that time, could not be subordinate to the Kingdom of *England*, neither could the Parliament of *England* extend their jurisdiction in *Ireland*; all which may be plainly proved out of *Calvin's* case in the 7th part of the Lord *Coke's* reports; and it doth not follow, that a kingdom gained by conquest, is thereby either annexed or subordinate to the
kingdom

kingdom conquering, but remaineth still a distinct kingdom, as it was before such conquest; for if the laws were otherwise, then the Kingdom of *England* by the conquest of *William* the conqueror should be annexed and subordinate to the Dukedom of *Normandy*; which would have been held strange doctrine in *England* in those days.

The second question may receive this answer, viz. that although the kingdom of *Ireland* had by the conquest (*ipso facto*) been united and annexed to *England*, as in truth it was not, yet the same union is not set so inseparable, but that it might be, and was disjoined by the said grant of King *Hen. 2.* wherein we are to consider not only the bare grant itself, but also the circumstances and solemnities of it. For first, it was made at a great and solemn assembly of a Parliament held at *Oxford*, as appeareth by all the histories of that time. Secondly, King *John* was thereby constituted King of *Ireland*. Thirdly, this whole kingdom was granted unto him without any reservation. Fourthly, that this grant was made by licence of the Pope, which was by him confirmed, being a matter in those times held to be greatly material. And fifthly, it was enjoyed by King *John*, as a separate and distinct kingdom, severed and distinguished apart from the Kingdom of *England* all the time of his father, and likewise of his eldest brother, King *Richard 1.* by the space of 33 years, during which time he was absolute Lord of *Ireland*, made divers Grants and Charters yet extant in *Ireland*, wherein he stiled himself *Dominus Hiberniæ*, in others, *Dominus Hiberniæ, et Comes Mortaniæ*; by which Charters, as well the City of *Dublin*, as many other cities and corporations in *Ireland*, enjoy many privileges and franchises to this day; and that, after the said grant, neither King *Henry 2d.* nor after him King *Richard* the 1st. never stiled themselves either Kings or Lords of *Ireland*; so as by that grant it appeareth, that King *Henry 2.* was divested of all regal power in *Ireland*; and that the same was really vested in his son *John*: and yet it is true, that where a King hath a Kingdom by descent, the established government whereof is not only regal, but also politick, in that case, the subject hath such interest in the regal protection inherent in the royal person of the King, that the King cannot of himself transfer the same to any other so absolutely, as utterly to divest himself thereof; no more than the subject can by his

own act transfer his allegiance to any other ; for by the same law there is a natural obligation between the King and the subjects, inherent in both, *viz.* in the King, protection of his subjects, and in the subjects, fidelity and subjection to the King. But, when a King hath a kingdom by conquest, he may therein establish what form of government he pleaseth, so as the same be not repugnant to the Law of Nature, and the laws of God ; and until he have so done, it standeth with reason, that he may transfer that regal dominion acquired by conquest, which is not yet made politick, to another ; especially, when it is done by authority and assent of Parliament, as in the case of King *Henry 2.* to his son *John*, it was done ; and so the law was then conceived : for by that donation King *John* enjoyed *Ireland*, as a kingdom separate and distinct from the Kingdom of *England*, until the crown of *England* descended upon him ; and that the same is yet a kingdom separate and distinct from the Kingdom of *England*, it is resolved clearly in *Calvin's* case in the 7th report of *Cooke* ; where many notable cases adjudged in *England* in all ages since the *Norman* conquest proving the same, are remembered Here also may be remembered the resignation of King *John* of the crown of *England* to the *Pope*, which, being done of himself, was void ; also, the resignation of King *Edward 2.* to his son *Edward 3.* and the resignation of *Richard 2.* to *Henry 4.* both done in Parliament, and therefore held good ; but the manner how these resignations were obtained is not fit to be related, but rather to be buried in the grave of oblivion, than to be remembered. If King *John*, in the life-time of his father, or of his brother King *Rich. 1.* had established the government of *Ireland*, as he did afterwards, to be according to the laws of *England*, then, without all question, the statutes made in *England* could not be binding in *Ireland* ; the Kingdom of *Ireland* being not then any ways dependent upon the Kingdom of *England*.

Now we come to the third question ; in what capacity King *John* established the government of *Ireland* to be according to the laws of *England*, he being then King of *England* by descent, as next heir to his brother King *Rich. 1.* who died without issue, and Lord of *Ireland*, with all regal power thereunto incident by the donation of his Father, and not by descent ; and surely, it must of necessity be, by that

that regal power, which he had by the donation of his father, and not by any power descended to him from his brother. For his brother had no regal power in *Ireland*; and then, that which his brother never had, could not descend to him; and so consequently it must of necessity be, that he established the laws in *Ireland*, as lord of *Ireland*, by that regal power which he had by his father's donation, whereby he made them the proper laws of *Ireland*, and not otherwise; and how *Ireland* should hereby become subordinate to the jurisdiction of the Parliament of *England*, more than the state of *Rome* was to the state of *Athens* for the laws of the twelve tables, *it cannot be* conceived. For if King *John* had ordained, that *Ireland* should have been governed according to the laws of *Scotland*, (as he might have done) it were a strange construction to say, that *Ireland* should be thereby subordinate unto, or any ways dependant upon, the Kingdom of *Scotland*, or subject to the jurisdiction of the Parliament of that kingdom. So as now it is evident, that *Ireland* is a free and distinct kingdom of itself, the government whereof, is as political, and regal, as the Kingdom of *England* is, and the King's Majesty, is supreme head of the body politick of *Ireland*, and that the Parliament of *England* hath no more jurisdiction in *Ireland*, than it hath in *Scotland*.

Also, it will be necessary for our better satisfaction to know, by what law it is, that the statutes made in *England* should be binding and of force in *Ireland*, without the approbation of the Parliament there; and whether by the Common Law, or by any Statute Law, or by what other law. If by the Common Law, it must have these two qualities; the first of them is, that it must have reason for its foundation and beginning. The second is, that it must have time for its continuance; for Mr. *Littleton* in the epilogue of his book saith, *Lex plus laudabitur quando ratione probatur*.—That law shall be better authorized, when it has its foundation in reason. St. *Germain* saith in his first book, *Chap. 4.* that the law of *England* is grounded upon six principal grounds.

1. First, upon the law of reason.
2. Second, upon the law of God.
3. Upon divers general customs of the realm.
4. Upon divers principles, that be called maxims.

5. Upon

5. Upon divers particular customs.

6. And Sixthly, upon divers statutes made in Parliament by the King and Common Council of the realm.

By which it appeareth, that the Common Law must be consonant and agreeable to the law of reason, and not unreasonable; for as well the Common Law, being the general custom of the realm, as every particular custom, must be *ex certa rationabili causa usitata*.—Must be established upon some certain and reasonable cause, as Mr. *Littleton* saith; and surely there cannot any reasonable cause be shewed, why the lives, liberties, estates, and fortunes of the Prelacy, Nobility, Gentry, and Commons of *Ireland*, should be bound by such laws, as another kingdom or commonwealth shall impose upon them, they being neither party nor privy to the making of them. If the chief city of a kingdom should prescribe to have power to make laws and ordinances for the government of all other cities in the kingdom, such prescription would be adjudged unreasonable and void. *A fortiori*, for one kingdom to make laws to bind another is more unreasonable. In 2 *Hen. 4. fol. 24.* a custom was alledged, that the Commoner shall not put his cattle to graze upon the Common, until the Lord of the Manor first enter and put his cattle upon the land; and this was judged an unreasonable custom, and void in law; for by that means it should be in the power of the Lord to defraud the Commoner of his Common. So likewise, if the Parliament of *England* may make laws to be of force and binding in *Ireland*, the subject of *Ireland* may at the pleasure of the Parliament of *England* be disinherited of all the lands, honours, franchises, and liberties, whereof he is inheritable, as well by the laws and statutes of *Ireland*, as by the statute of *Magna Charta Chap. 29.* made in *England*, and of force in *Ireland*. So likewise it appeareth by St. *Germain* in his 1st. book *Chap. 7.* that the general customs of the Kingdom of *England*, because they are neither against the law of God, nor against the law of reason, have attained by long usage the force of laws, and are properly called the Common Law of *England*. Many other authorities may be urged to this purpose, viz. the first part of the *Institutes fol. 68, 81, 110, 141.* And *Littleton Sect. 212.* and divers others, as well ancient as modern; so as that ground,
viz.

viz. reason, which indeed is the principal foundation of all laws, is wanting in that case.

The second ground is the law of God, and that is always most consonant to the law of reason, and altogether unchangeable; so as it is most certain there cannot any thing be found by the law of God to prove, that the statutes of *England* should be binding laws in *Ireland*.

The third ground is the general customs of the realms, which will fail altogether in this case; for from the 12th year of King *John*, when the Government of *Ireland* was established according to the model of *England*, until the 1st *Hen.* 7. which was almost 240 years, this doctrine was not dreamed of, until *Hussy*, then Chief Justice, upon a sudden motion, without any argument or deliberation, freely bestowed upon *Ireland* all the statutes of *England*; but all the rest of the Judges of the kingdom in the last term before, upon solemn debate, by serious consideration, were of another opinion, and about nine or ten years afterwards the Lord *Cooke* in *Calvin's Case* before remembred broached the like doctrine, but was not so liberal as *Hussy*; for he doth limit it only to such statutes, wherein *Ireland* is particularly named, and for his own proof alledgeth no other authority, but only the writ of error to reverse erroneous judgments in *Ireland*; which is neither *ad idem*, nor upon the same reason: for the writ of error to reverse erroneous judgments in *Ireland* hath had a long continual usage to warrant the same, whereby it hath obtained the force of a law; the same being neither against the law of reason, nor the law of God, nor against any maxim of the Common Law, nor any statute law: especially because the judges of *England*, upon the writ of error, must judge according to the laws of *Ireland*, and not according to any other laws. And also it hath two rules of law to support the same, *viz.* *A. Comuni observantia non est recedendum*,—There is no departing from common custom,—and also, *Consuetudo est optima legum interpretres*,—Custom is the best interpreter of laws. But to warrant the opinion of *Hussy* in *Hen.* 7. or the opinion of the Lord *Cooke* in *Calvin's Case*, there is neither law of reason, nor usage, nor any other ground of law. Also the Lord *Cooke* in the second part of his *Institutes fol.* 2. will not allow the statutes of *Magna Charta*, which he in the whole course of the exposition thereof holdeth to be but an explanation

explanation of the ancient Common Law, to be of force in *Ireland*, until the statute of the 10th *Hen.* 7; but although he was exceeding well learned, and a great honour and light to the laws of *England*, yet was he in this particular exceedingly mistaken; for King *John* established the Common Law of *England* to be used in *Ireland*, and the statute of *Magna Charta*, being nothing else but the Common Law; then, if this were not established in *Ireland*, nothing was established but a mere shadow, and nothing in substance; and then was *Ireland* almost two hundred and fifty years destitute of the benefit of the laws of *England*, which is a very great oversight and mistaking. For it is apparent in many hundreds of records yet extant in *Ireland*, that all the Common Laws of *England*, sithence the time of King *John* in all ages, before the 10th *Hen.* 7. were put in practice in *Ireland*, and likewise by the statute of 8th *Edw.* 4. made in *Ireland*, all the statutes before that time made in *England*, which might happily be applied to *Ireland*, were enacted to be of force in *Ireland*; so as we may conceive, that the Lord *Coke* in *Calvin's* case hath mistaken the law, as well as he hath done in the said case of *Magna Charta*; and then there is no full proof of any such general custom in the case in question; but the contrary is clearly proved by the judgment of the several Parliaments before remembred, and of the Judges in 20th *Hen.* 6. and 2d *Rich.* 3. before recited; and now, as reason hath failed upon the two former grounds, so hath reason and custom, or usage also failed in this third ground.

The fourth ground is certain principles or maxims, whereof there's not any to be found in the books of the Common Law to this purpose.

The fifth ground is particular customs, which be not any way pertinent to the matter in question.

The sixth and last ground is Statute Laws; and most certain it is, that there is not any statute extant, either in *England* or *Ireland*, whereby it is enacted, that any statute made in *England* should be of force in *Ireland*, before the same were approved, and enacted in the Parliament of *Ireland*; but there be many statutes in *Ireland* proving the contrary, whereof some are before remembred in this declaration.

And

And now, forasmuch as it cannot be denied, that *Ireland* is a kingdom distinct of itself, and so declared by Act of Parliament in 33 *Hen.* 8. Chap. 1. the government whereof being established according to the model of *England*, which was, and is, not only regal, but also politick; so as by that establishment *Ireland* became a body politick of itself, as *England* was then, consisting of the King's Majesty, as supreme head, and of the Peers and Commons, as members of the same, in such sorts that the Peers and Commons of *England* are not, nor cannot be any part or member of this body politic of *Ireland*, no more than the Peers or Commons of *Ireland* are or can be members of the body politick of *England*; therefore it cannot stand either in law or common reason, that the one body politick should be subordinate or subject to the controul of the other; for then the King's Majesty, which is the head of the one, and also the head of the other, should be both superior and inferior to himself in his royal and politick capacity within itself, which were altogether repugnant. And although *Ireland* doth acknowledge to *England* the precedency and seniority in politick government, yet it must not be forgot chiefly to acknowledge superiority, allegiance and subjection only to the King's sacred Majesty, as next and immediately under God, the Father of the Commonwealth, and supreme head of the politick body thereof; whom God preserve long to govern the same in peace and prosperity, to God's glory, his own honour, and the welfare of all his good and faithful subjects committed to his charge, and let all good subjects not only with their mouths, but also with their hearts, say, *Amen. Amen.*

Serjeant



Serjeant *Mayart's* Answer

TO A

B O O K

INTITLED, A

DECLARATION

SETTING FORTH,

How, and by what MEANS,

T H E

L A W S and S T A T U T E S of *England*,

From T I M E to T I M E,

Came to be of *Force in Ireland*.

W R I T T E N

By Sir R I C H A R D B O L T O N.

I N a Sessions of Parliament held at *Dublin* the 6th of *April*, 1644, a book in writing was brought into the House of Lords, and there read, intituled a "Declaration how, and by what means, the Laws and Statutes of *England*, from time to time, came to be of force in *Ireland*;" which being once read in the House, and the question upon that

that dispute stated in that book by the Lord Chancellor, by word only to be, whether the Parliament in *England* could by an Act of Parliament there bind the goods and estates, lands, persons or lives, of the subjects of *Ireland*; it was there ordered, that the said book should be sent down to the House of Commons, by them to be perused, where it yet remains. Within a few days after the sending thereof, the Lords sent again to the House of Commons to know, what they had done, or resolved on, concerning that book? To which it was answered by them, that they thought fit it should be well considered of, and therefore had appointed their clerk to make out copies thereof, that the members of that House being of the long robe, might have them; and they desired that copies might be likewise made for the Judges by the clerk of the Lords House, and that after there might be a meeting betwixt the Judges and a committee of the House to consider of the book; since which time there hath been no proceedings thereupon, only copies thereof were given to the Judges, and to some of the members of the Commons House.

To give therefore some preparations to the considerations, it will not be amiss to take a short view of that discourse, which tends wholly to prove, that '*Ireland* never was, nor can be bound by any statute made in *England*, before the same be confirmed by Act of Parliament in *Ireland*.' And before we begin with the discourse itself, it may not be altogether impertinent (considering the question is of as great concernment, as ever any was in that kingdom, and was implicitly resolved of late by his Majesty, the Lords and Commons of *England*, before any difference between them, by an act made in *England* to bind and dispose of the lands in *Ireland*, that an act made in *England* by the Parliament there concerning *Ireland*, doth bind *Ireland*) to ask, why it should be made a question without his Majesty's consent and approbation? And whether this doth not somewhat reflect upon his Majesty, the Lords and Commons there? As if they had done that, which they know not whether they had power to do or no, or did justly in doing it: But to leave the answer to that question to the author of that discourse, let us examine the thing itself.

The author of this book (as we may plainly collect out of it, though he doth not so call them) amongst other things
of

of his discourse, doth lay down two principal grounds, whereupon a great strength of his building consists, which we will first examine, because the answering of them will reach far into the whole discourse, and to his arguments and reasons therein: and these two grounds we must gather together out of divers parts of his discourse; for both these, and the proofs of other his positions, are so scattered in many places, before he hath done with them, that unless they be collected together, it will be troublesome to the reader well to observe them, or for any body to give them a full answer without much perplexity.

The first of his grounds in the beginning of his discourse is, that King *Hen. 2.* in the 18th year of his reign conquered the Kingdom of *Ireland*, and placed there many *British*, and returned into *England*: that afterwards in the 23d year of his reign, by Parliament he constituted his son *John*, (who was afterwards King of *England*;) to be King of *Ireland*; and granted to him and his heirs the whole kingdom. And afterwards, towards the end of his book, he saith, that in the grant of King *Hen. 2.* we are to consider not only the bare grant, but the circumstances and solemnity of it. As first, that it was made in a great and solemn assembly of a Parliament at *Oxford*, as appears by all the chronicles of that time. 2dly, King *John* was thereby constituted King of *Ireland*. 3dly, That the whole kingdom was absolutely granted to him without any reservation, &c. and that it was enjoyed by King *John* as a separate and distinct kingdom, severed and distinguished apart from the Kingdom of *England*, during the time of his father, and of his elder brother *Rich. 1.* by the space of 33 years; during which time, as absolute Lord of *Ireland*, he made divers grants yet extant in *Ireland*; and that *Hen. 2.* by his grant was divested of all royal power in *Ireland*, and that the same was really vested in King *John*.

This being his first ground, upon which part of the strength of his argument depends, surely it had need be well laid. But how proves he the same? He saith only, that it appears by all the histories of that time, and cites only *Hamer's History of Ireland*, p. 165.

Certainly histories written by *Monks*, or other men, who understand not the laws, nor, it may be, never had so much as a sight of the Records, Patents, or Grants of things

PART II.

D

granted

granted or done, whereof they write; or, if they had, yet understood little of them, or what passed by them, they having little or no knowledge in the laws, are very weak authorities to ground a matter of so great importance upon as this is, and which would not be evidence of itself alone sufficient to recover an acre of land, that should be demanded upon such a title. But the author neither cites any of the writers of those times, or since, but *Hanmer*, or what they say; nor shews us any Act of Parliament, or Patent of such a Grant made to King *John*, or tells us where we may find any such, or any other record, or copy of any, which may induce us to think it probable, that the whole Kingdom of *Ireland* was absolutely granted to King *John*, without any reservation, or that it was a separate and distinct kingdom, severed apart from the Kingdom of *England*, or that *Hen. 2.* by his Grant to King *John*, had divested himself of all his royal power therein; and therefore for the better satisfaction of them that desire it, let us summarily view the antient and modern histories, which write of this business, and what they say.

- (a) Hist. of Dr. *Hanmer* saith. (a) that he finds in the Chronicles of *Ir.* p. 165. *England*, that *Anno* 1177, in a Parliament held at *Oxford*, *Hen. 2.* created his son *John*, King of *Ireland*; that in *Anno* 1185 he dubbed him Knight, and set him in a readiness for *Ireland*; that the same year he obtained of Pope *Urban* 3d a licence to crown which he would of his sons King of *Ireland*; that the said Pope sent two Legates from *Rome* to crown *John* King of *Ireland*; but *Hen. 2.* delayed it, so that it was not effected; that in the space of eight months that Earl *John* stayed in *Ireland* (not King *John*) he builded three castles, &c. and King *Hen. 2.* hearing of the courses that were held by these green heads, he called them all home, and committed the absolute charge and command of *Ireland* to Sir *John de Courcey* whom he appointed Lord Lieutenant of *Ireland*. So that all *Hanmer's* testimony concerning the making of *John* King of *Ireland*, is, that he findeth it in the Chronicles of *England*, that *Hen. 2d.* created *John* King; but not a word that the whole kingdom was granted to him without any reservation, or that it was separated from *England*, or that he was so much as called King, and that after that creation, he had licence from the Pope to crown which of his sons he would: and therefore

therefore it seems he had not resolved upon his son *John*, and that he would not suffer his son *John* to be crowned, which, if he had intended that he should have been absolute King, he would certainly have done; that after he had been there he called him home, and gave the whole command to Sir *John de Courcey*. These are certain marks, that the sovereignty and power was in *Hen. 2.* and not in his son, but only that he gave him some title of honour, or, if you will, the title of King, or some other power, which was a kind of kingly power, and so esteemed amongst the people, and power to grant the land of *Ireland*; for that before he was called *John* Earl of *Moreton*; but never gave him such absolute power, that he should exclude himself either from granting lands, or appointing governors there, as we shall see by his actions done there afterwards. And with this in a manner agrees *Speed (b)*, that King *Hen.* delayed the Coronation of his son *John* at such time as two Cardinals offered to celebrate the solemnity, and that his stile in his Seal of *Ireland* (though *Hoveden* saith that his father made him *Regem*—King) was only *Sigillum Johannis, filii Regis Angliæ, Domini Hiberniæ*.—The Seal of *John*, son of the King of *England*, Lord of *Ireland*.

Neither do some of our late writers make any mention at all of the making of *John* King, so little, as it seems, was that credited by them, and they, who write of it, make no special relation of any Grant made by King *Henry* to *John*, or what power was given to him, but only in a few words, that he gave him the Kingdom of *Ireland*, which, saith *Campian (c)*, returned home to the Crown, *John* being afterwards King of *England*.

What *Hanmer* saith is to be observed, that in 1185 King *John* landed at *Waterford*, being then 12 years of age; that in 1177 *Hen. 2.* created him King of *Ireland*; by which computation *John* was created King, being about four years old, and it was about eight years after before he went first into *Ireland*; yet neither in all this time, nor after, do we find, that King *John* had any Protector, which infant Kings ever have, or any Officers belonging to a King, as Chancellor, Treasurer, or any other great Officer, or any other ensigns of Royal Power. And we find, that his Father all his life time, before *John* came into *Ireland*, and also after,

constituted the chief Governors of *Ireland*, as *Courtesy*, *Lacy*, &c. and disposed of the great affairs of that kingdom as he pleased, and also gave the lands of *Ireland* himself alone, in his own name, after he had granted *Ireland* to his son *John*, and created tenures to himself, and his heirs, of some of those lands so granted by him, and of others to him, and his son *John*, and their heirs; as we shall see by a Patent granted by him to *Nicholas la Perich*, which we shall hereafter at large recite; which he could not have done, if he had divested himself of all his power in *Ireland*; which is of itself an argument sufficient to prove, that he had still the chief and supreme power over it, notwithstanding his said Grant; and therefore, there is no probability, that King *John* had the absolute dominion of *Ireland* in his father's life-time.

Giraldus Cambrensis, who lived in the time of King *Hen. 2.* and King *John*; and who was there in *Ireland* with him, and a careful relater of the actions of *Ireland*, makes no special mention of this Grant made to King *John*; but only, that *Hen. 2.* gave him the dominion of *Ireland*, but in what manner, or with what power, or that it should be separate from the Crown of *England*, he speaks not a word; which surely he would not have neglected to have done, even for the honour of his Lord and Master, if any such power or dominion had been granted him, and it being a matter of so great moment. But he saith the contrary; for in his epistle dedicatory of his history of *Ireland* to King *John*, he saith,

“ Ita et hoc adjicimus, quate-
 “ nus in memoriam expugna-
 “ tionis hujus *Hiberniæ* per
 “ Anglos factæ (quia crebra
 “ Dominorum per vices rerum
 “ varias fieri mutatio solet, et
 “ ad sanguine remotos, vel eti-
 “ am prorsus extraneos, trans-
 “ cursu temporum hæreditas
 “ plerumque devolvi videtur)
 “ in Annuo auri, vel animalium,
 “ vel etiam arborum tri-
 “ buto, firmiter statuto, quasi
 “ perpetuo Chirographo, et in-
 “ dissolubili

We also add hereunto, that for preserving in memory this conquest of *Ireland* made by *Englishmen*, (because by the frequent vicissitude of affairs there often happens a change of Lords, and in course of time the inheritance often devolveth on such as are furthest removed in blood or even on those who are wholly foreign thereto) that therefore there be a yearly tribute in gold, or cattle, or even in timber, firmly established, as it were by

“ dissolubili vinculo, Regnum
 “ *Hiberniæ* Coronæ subiectum
 “ omni palam tempore fiat.”

an everlasting instrument, and
 indissoluble tie, that it may be
 known to all the world, that the
 Kingdom of *Ireland* is subject to
 the Crown of *England*.

He would have an annual tribute laid upon *Ireland*, that in
 all times it might be known, that the Kingdom of *Ireland*
 is subject to the Crown of *England*.

I find no other antient Writers that make any special
 mention of this gift, only *Roger Hoveden*, from whom, it
 is probable, our late writers take so much as they make
 mention of concerning this matter. He saith, (d) *Anno* ^{(d) Ann. sub,}
 1177, *Henricus Rex venit Oxendford, et in generali Con-* ^{Hen. 2.}
cilio ibidem celebrato constituit Johannem filium suum Regem
in Hiberniâ.—In the Year 1177, King *Henry* came to
Oxford, and in a general Council constituted his son *John*
 King in *Ireland*.—and a few lines after,

“ Deditque Dominus Rex Hu-
 “ *goni de Lascy* in *Hiberniâ* to-
 “ tam Midiam, cum pertinen-
 “ tiis, pro servitio 100 Militum,
 “ tenendam de ipso, et *Johanne*
 “ filio suo, et chartam suam in-
 “ de ei fecit. Deditque ibidem
 “ *Roberto filio Stephani, et Mi-*
 “ *loni de Cogham*, Regnum de
 “ *Cork*, pro servitio 60 militum,
 “ tenendum de ipso et *Johanne*
 “ filio suo, exceptâ Civitate
 “ *Cork*, cum uno Cantredo, quæ
 “ Dominus Rex sibi, et hære-
 “ dibus suis, retinuit. Deditque
 “ ibidem *Hereberto filio Here-*
 “ *berti, &c.* Regnum de *Lime-*
 “ *rick*, pro servitio 60 Militum,
 “ tenendum de ipso et *Johanne*
 “ filio suo, exceptâ Civitate de
 “ *Limerick*, cum uno Cantredo,
 “ quæ Dominus Rex sibi & hæ-
 “ redibus suis retinuit.”

The King there gave to *Hugh de Lascy* all *Meath* in *Ireland*
 with the appurtenances, for the
 service of an hundred Knights,
 to hold of himself and his son
John, and thereof he granted
 him his Charter. He also there
 gave to *Robert Fitz-Stephen* and
Milo de Cogham the Kingdom
 of *Cork*, for the service of 60
 Knights, to hold of himself and
 his son *John*; except the City
 of *Cork*, with one Cantred,
 which the King retained to him-
 self and his heirs. He also gave
 to *Herebert Fitz-Herebert, &c.*
 the Kingdom of *Limerick*, for
 the service of 60 Knights, to
 hold of himself and his son
John, except the City of *Lime-*
rick, with one Cantred, which
 he retained to himself, and his
 heirs.

And then he shews how he gave the custody of *Wexford*, *Waterford*, and *Dublin* to certain Men, and appointed certain lands and services for their maintenance. By which it plainly appears, if you will believe this man, that though King *Henry* had made his son King in *Ireland*, yet he gave him not the absolute kingly power over *Ireland*: for he himself only, without his Son, made the Grants to the fore-named persons, and appointed the custody of *Wexford*, &c. to others. And in his gifts his reserving the services as well to himself, as to his son, is merely void; because, before the Grant made to King *John*, it will not be denied, but that the title and right to the Kingdom of *Ireland* was wholly in King *Henry*: and in Grants, where there is a reservation, the reservation (e) must be to him, from whom the land moveth, and not to a stranger. It therefore necessarily follows, that the reservation was good only to *Henry* and his heirs, and void as to *John*; and so the land of *Ireland* remained still annexed to the Crown of *England*. Besides, in these Grants he excepted the City of *Cork*, with one Cantred, and the City of *Limerick* with another; which he retained (saith *Hoveden*) to himself and his heirs; which makes it most plain, that he never intended, that the whole kingdom should be separated from the Crown of *England*, and not be subject to it. For why should he then have reserved the services to be done to himself, as well as to his son, and some cities and lands to himself and his heirs, and not to King *John*? For *John* was not then his heir apparent, nor like to be his heir, he having at that time elder brothers living, upon whom these cities and lands must have descended, and not upon King *John*: and therefore, if *Ireland* had been separated from *England*, and wholly vested in *John*, his father *Henry*, and his brothers after him must have done service to him for them, which I think no man will once conceive without laughter. And it is not altogether unworthy of observation, that neither *Hanmer* (the only man cited by this author) nor *Hoveden* say, that *Hen. 2.* gave the kingdom to *John* and his heirs, as this Author saith, and alledgeth *Hanmer* for his proof; for *Hanmer* saith only, that he created his son *John* King in *Ireland*, and *Hoveden*, that *constituit Johannem Regem in Hibernia*.—He constituted *John* King in *Ireland*, but not a word of heirs;

(e) *Col. Inst.*
1. fol. 47.
143, and in
other books.

heirs; whereby it seems, that what kind of King soever he did intend him to be, it should be only during his life, and not to descend to his heirs.

It is apparent by many of our histories, that *Henry 2d.* made his eldest son *Henry* King of *England*, with himself, and crowned him King two several times; yet he never had the absolute government of *England*, but sware fealty to his father, and became his liege-man; and therefore, there is no likelihood, that he would make his youngest son an absolute King of a whole kingdom, which he would never do to his eldest; but it is rather manifest, that by the experience he had of the mischiefs that besel him by making his eldest son King with himself, that he was wary of doing any such thing afterwards, and therefore would never have King *John* crowned King of *Ireland*.

And whereas our author saith, that '*Ireland* was distinguished and severed apart from the Kingdom of *England*, all the time of *Hen. 2.* and *Rich. 1.* during which time King *John*, as absolute Lord of *Ireland*, made divers Grants and Charters yet extant in *Ireland*, stiling himself *Dominus Hibernia*, and that after the Grant made to King *John*, neither *Hen. 2.* nor *Rich. 1.* ever stiled themselves either Kings or Lords of *Ireland*, so as by that gift it appears, that King *Henry* was divested of all royal power in *Ireland*, and that it was vested in his son *John*.' The answer thereto is very easy; for it is still denied, and we have nothing but the author's word for it, that there was such a grant, for nothing else appears; and it is also denied, that *Ireland* was severed from *England*, and the contrary of all this appears by what hath been said, and by what hereafter follows. And it cannot be proved, that *Ireland* was separated from *England* all the time of *Hen. 2.* or any part of it, but was always united to it, and governed by the laws of *England*, as will appear hereafter. And for the severance in the time of King *Rich. 1.* how that could be, if it were not severed in the time of King *Henry*, is not well to be understood; but out of doubt King *Richard* had no regard to *Ireland*, nor was his chief care for *England*, during whose whole reign, being nine years and nine months, he was never above eight months in *England*, but busied himself in foreign parts; and therefore regarded *England* but little, and *Ireland* nothing at all; and as to King *John* himself, all the time of his

brother *Richard* he was so careless of *Ireland* (which surely he would not have been, if he had been absolute King thereof) that he never came to it, but busied himself in *England*, *Normandy*, and other parts, in getting great estates, and labouring to get the Kingdom of *England*, and Dutchy of *Normandy* to himself from his brother.

And to make it an argument, that King *John* was absolute Lord of *Ireland*, because neither King *Henry*, nor King *Richard*, did after the grant made (so much dreamed of by this Author) ever stile themselves either Kings or Lords of *Ireland*, it may be as well said, that *Hen. 2.* was never King or Lord of *Ireland*; for he doth not make it appear by any authentick author or record, that he ever stiled himself so in his grants, although my Lord *Cooke* saith,

(f) In Cal- (f) that his stile was, *Rex Angliæ, Dominus Hiberniæ, &c.*
vin's Case. —King of *England*, and Lord of *Ireland*, &c.—but it seems

he used it not: for *Cooke*, who was conversant with, and knew, and had seen more of the antient Grants and Charters of our Kings and others, than all the Monks and Chroniclers, sets down (g) the stiles of the Kings of *England*, since the conquest, where he saith, that the stile of *Hen. 2.* was *Hen. Rex Angliæ, Dux Normandiæ, et Aquitanix, & Comes Andegaviæ*,—King of *England*, Duke of *Normandy*, and *Aquitain*, and Earl of *Anjou*—and yet (saith he) he had the Earldoms of *Anjou*, *Tourain*, and *Main*, as son and heir to *Jeffery Plantagenet*. King *Richard* (says he) used the stile that his father King *Hen. 2.* did, yet was he King of *Cyprus*, and after of *Jerusalem*, but never used any of them. King *John* (says he) used that stile, but with this addition, *Dominus Hiberniæ*;—Lord of *Ireland*—, and yet all that he had in *Ireland* was conquered by his father *Hen. 2.* which title of *Dominus Hiberniæ* he assumed as annexed to his crown, albeit his Father in the 23d year of his reign had created him King of *Ireland* in his life-time. Thus far *Cooke*. By which it appears, that *Ireland* was annexed to the crown of *England* before King *John* came to the Crown, and that he assumed the title of *Dominus Hiberniæ*,—Lord of *Ireland*.—which land was annexed to the Crown of *England* before, and to that title he stuck, and not to his being created King of *Ireland* before by his Father; for if he had, questionless he would have taken the stile of King of *Ireland*, when he came to be
King

King of *England*: and therefore, as it is a poor *non sequitur*, or consequence, to say, that *Hen. 2.* did not stile himself Earl of *Main*, therefore he was not in truth Earl thereof, so it is as bad to say, that *Hen. 2.* nor *Rich. 1.* never stiled themselves Lords or Kings of *Ireland*, therefore they were divested of all royal power in *Ireland*, and that it was vested in King *John*, who was declared by his father to be King thereof, which title of King he never stiled himself by; and therefore we may as well conclude, that he never had the sovereign power thereof, till he had it as he was King of *England*. And as to the allegation, that he made divers charters as absolute Lord of *Ireland*, that is still denied. For he might have power to grant away lands, as others after him, who were Lieutenants there, had, nay, a great part of the land, or all the land might have been granted to him, and he might dispose of it, as *Hen. 3.* King *John's* son, did grant the whole land of *Ireland* to his eldest son *Edw. 1.* but, as the grant saith, *ita quod non separaretur a Corona Angliæ*,—that it should not be separated from the Crown of *England*, and yet the same remain annexed to the Crown of *England*, as doubtless it did. And therefore out of these histories, and from what hath been said, it may be granted, that King *John* had a title of honour given him by *Hen. 2.* in *Ireland*, and the land, or part of it, to dispose of, with a large power over it, yet not so as to exclude his father from any part of it. But that it should be the title of King, and yet he never use it, but only the title of Lord, neither before he was King, nor after, is very strange and unlikely; and it may be probably conjectured, that the title of *Dominus Hiberniæ, filius Regis Angliæ*,—Lord of *Ireland*, son of the King of *England*,—and not *Rex Hiberniæ*,—King of *Ireland*, was given him purposely, that all men might understand, that he was not the absolute King of *Ireland*, but that power rested in his father *Hen. 2.* whom therefore *Cambrensis*, (*b*) after the time that *John* was in *Ireland*, calls *Summus Princeps*, or chief Sovereign, and to whom *John* was stiled subject, and a mean Lord in respect of his father.

(*b*) Expug.
Hib. Lib. 2.
chap. 35.

And yet, if it be granted (as it may be without hurt to the cause) that he had the title of King of *Ireland*, and might govern as a King, where his father permitted him so to do, and might grant the lands of *Ireland* (as many have
several

several times since done by vertue of commissions from the Kings of *England*) yet it will not follow, that therefore he had the absolute power of *Hen. 2.* without controul, no more than that the eldest son of *Hen. 2.* had the only Kingly power in *England*, because he was crowned King thereof; or that *Robert de Vere*, Earl of *Oxford*, because *Rich. 2.* created him Marquis of *Dublin*, and after Duke of *Ireland* (a greater title than himself had of it) and gave him a kind of kingly power in *Ireland*, therefore that he had the absolute power and dominion of *Ireland* separated from *England*, and yet he did grant lands in his own name whilst he was Marquis of *Dublin*, his grants beginning thus: *Robertus, Marchio Dublin, Comes Oxoniæ, & Camerarius Angliæ, — Robert, Marquis of Dublin, Earl of Oxford, and Chamberlain of England,*—and by that name made Sir *John Stanley* his Lieutenant, and in his grant to him gave him regal power to pardon treasons, felonies, &c. as we may see among the records of *Bermingham* tower; (i) and the indictments of that time were *Coram Johanne Stanley, Locumtenente Marchionis Dublin*,—before *John Staneley*, Lieutenant of the Marquis of *Dublin*,—and the conclusion of them, *contra pacem Domini Regis, & contra pacem ipsius Marchionis*,—contrary to the peace of our Lord the King, and contrary to the peace of the said Marquis,—as may be seen in the same place. (k).

(i) Rot. pat.
Anno 10th.
Rich. 2.

(k) Pl. Coram.

11 Rich. 2.
tw. Berming.

(l) Dife. of
Ireland, p.
56, 57.

It may be therefore granted, as it is likely to be true, and as has been said before, that King *John* had a great and large power granted to him, yet not absolute, but limited; and so had other Lieutenants after him, as *Richard*, Duke of *York*, in *Hen. 6th's* time, who by covenants between the King and him, confirmed by the Parliament in *Ireland*, had power to grant the King's lands, to place and displace all officers at his pleasure, to receive the King's revenue, both annual and casual, without account, see Sir *John Davis* (l); but not any where doth it appear, that the kingdom was absolutely granted to King *John*, or that (as the author saith) he held it as a separate and distinct kingdom, severed apart from the kingdom of *England*, and of which *Hen. 2.* was divested; which if any should have said, yet there must be better authorities than those of chronicles to guide a case of this high and weighty concernment, or else the author will miss much of what he would have.

But

But to make it appear more evidently, that *Ireland* was not absolutely separated from *England*, his own citing of the records of the time of *Hen. 3.* out of *Coke's 1st. Institute fol. 141.* I think to any indifferent man will give full satisfaction. For the record cited by *Coke* of 30th *Hen. 3.* but somewhat more fully by *Davis, (m)* and in Mr. St. *John's (m) ibid. p.* argument concerning the bill of attainder of the Earl of *101. Strafford*, makes it most apparent, the words whereof are these,

“ Quia pro communi utilitate
 “ terræ *Hiberniæ*, et unitate
 “ terrarum Regis, Rex vult, et
 “ de communi Consilio Regis
 “ provisum est, quod omnes
 “ leges et consuetudines, quæ
 “ in Regno *Angliæ* tenentur,
 “ in *Hiberniâ* teneantur, et ea-
 “ dem terra iisdem legibus sub-
 “ jaceat, et per easdem rega-
 “ tur, sicut Dominus *Johannes*
 “ Rex, cum ultimo esset in
 “ *Hiberniâ* statuit, & firmiter
 “ mandavit, &c.”

Because for the common interest of the land of *Ireland*, and the unity of both countries, the King wills, and it is provided by his Common Council, that all laws and customs, which are observed in the Kingdom of *England*, should be observed in *Ireland*, and that the said land should be subject to, and governed by the same laws, as our Lord, King *John*, when he was last in *Ireland*, ordained, and firmly commanded, &c.

By which Record it appears, that there was an union at that time of *Ireland* to *England*, and that this was confirmed by that Act of Parliament, for it is *Communi Consilio Regis provisum*,—provided by the Common Council of the King. Therefore an act of Parliament made in *England* was conceived to bind *Ireland*, that it should be subject and governed by the same laws, and that this was not the first uniting of it; for it was done before by King *John*, the words being, *Sicut Dominus Johannes Rex statuit.*—As King *John* ordained.—By which it is plain, that if King *John* had first given the laws of *England* to *Ireland*, yet he did it as to a land united to *England*, and therefore did appoint that it should be ruled by the laws thereof. And it is most clear, that *Ireland* was both then united, and so accounted to be to the Crown of *England*: for *Henry* the 3d, son to King *John*, gave the whole land of *Ireland* to *Edward* the Prince, his eldest son, and his heirs, and that in so large a manner, as that he had power both over the ecclesiastical and civil
 Government

Government thereof. That he had power over the ecclesiastical Government appears by his Writ sent thither directed to the Archbishops, Bishops, &c. the very original whereof we may now see under his own Seal, as Prince, extant in the Treasury of the City of *Dublin*, in these words.

“ *Edwardus*, illustris Regis
 “ *Angliæ* Primogenitus, Archiepiscopis, Episcopis, ac quibuscunque Judicibus Ordinariis, seu a sede apostolicâ delegatis, per Dominum *Hiberniæ* constitutis, ad quos præsentēs literæ pervenerint, Salutem. Dignitati Regiæ in Regno *Angliæ* competit, & competiit ab antiquo, ut Personæ seculares, seu quicunque alii hujusmodi subditi dignitati, coram ecclesiastico Judice nequeant implacitari, nisi intemptanda contra ipsos actio matrimonialis aut testamentaria existere dignoscatur; reliquas enim causas sibi potestas Regia reservavit. Cumque circa præmissa ex dono Domini Regis, Patris nostri, consimili gaudeamus libertate in terrâ nostrâ *Hiberniæ*, qua et Dominus noster Rex in Regno *Angliæ* supradictæ gaudet. Vobis igitur firmiter prohibemus, ne contra cives nostros *Dubliniæ* teneatis placita in Curriâ Christianitatis de Catallis aut debitis, nisi Catalla ipsa aut debita de testamento aut matrimonio existant. Quia placita, quæ non sunt de testamento aut matrimonio, ad nostram pertinent dignitatem, et ibidem generalitèr de quocunque

Edward, eldest son to the illustrious King of *England*, to all Archbishops, Bishops, and to all the ordinary Judges there, or to those delegated by the apostolick See, constituted through the Lordship of *Ireland*, to whom these letters shall come, greeting. It is agreeable, and always has been to in ancient times, to the royal Dignity in the Kingdom of *England*, that secular persons and all others, who are subject to the said dignity, cannot be impleaded before an ecclesiastical Judge, unless the suit be matrimonial or testamentary; the Royal Power having reserved all other causes to itself. And whereas we enjoy the same privilege in our land of *Ireland* concerning the premisses by the donation of our Lord, the King, our Father, as our Lord, the King, enjoys in the said Kingdom of *England*. We therefore firmly prohibit you, that you do not hold plea of chattles or debts against our citizens of *Dublin* in Court Christian, unless such chattles or debts are testamentary or matrimonial. Because pleas which are not testamentary or matrimonial belong to our dignity, and we there generally prohibit actions any way concerning lay see to be held in Court Christian: and that in all

“cunque laico, fædo fieri pro-
 “bibemus; et ut futuris tem-
 “poribus valeat nostra prohi-
 “bitio nostris civibus antedictis
 “præsentem eis patentem lite-
 “ram fieri fecimus, ad nostrum
 “bene placitum duraturam. Da-
 “tum in Castris apud *Kenel-*
 “*worth* 27^o. die *Junii*, Anno
 “Regni Domini Regis, Patris
 “nostri quinquagesimo.”

all future times our prohibition may have force in behalf of our said citizens, we have caused these our letters to be made patent to them; to continue during our pleasure. Given at our castle of *Kenelworth* the 27th day of *June*, in the 50th year of the reign of our Lord the King, our Father.

That he had power over the lands of *Ireland*, and did make grants of them, appears by many records of grants made by him before he was King. I shall only cite one in the Rolls-Office, intituled, *Antiquissimæ literæ patentes et Commissiones*—The most antient Letters Patent, and Commissions.—dated 6th *February*, 20th *Edw. 1.* in these words,

“*Edwardus*, Dei gratiâ Rex
 “*Angliæ*, Dominus *Hiberniæ*,
 “et Dux *Aquitaniæ*, Archie-
 “piscopis, Episcopis, Abbati-
 “bus, Prioribus, Comitibus,
 “Baronibus, Justitiariis, Vice-
 “comitibus, Præpositis, Minis-
 “tris, &c. salutem. Cum, Ce-
 “lebris Memoriz, *Johannes*,
 “Rex *Angliæ*, avus noster, per
 “chartam suam, quam inspex-
 “imus, dedisset, concessisset,
 “et confirmasset, *Thomas Fitz-*
 “*Anthony* Custodiam Comitatu-
 “tum *Waterfordiæ* et *Desmon-*
 “*niz*, cum Custodiâ Castrorum
 “de *Waterford*. et *Dungarvan*,
 “et etiam omnium Dominico-
 “rum suorum Comitatum præ-
 “dictorum (excepta Civitate
 “*Waterford*) habendum præ-
 “fato *Thomas* et hæredibus suis,
 “donec idem avus noster vel
 “hæredes sui ea per finem, vel
 “alio modo, extra Manus suas
 “Dimississent, Reddendo inde
 “ad Scaccarium *Dublin* du-
 “centas

Edward, by the grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, to the Archbishops, Bishops, Ab-
 bots, Priors, Earls, Barons, Jus-
 tices, Sheriffs, Provofts, Minis-
 ters, &c. greeting. Whereas
John, King of *England*, of re-
 nowned memory, our Grandfa-
 ther, by his Charter, which we
 have viewed, had given, grant-
 ed, and confirmed, to *Thomas Fitz-*
Anthony the Custodiam of
 the Counties of *Waterford* and
Desmond, with the Custodiam
 of the castles of *Waterford* and
Dungarvan, and also of all his
 Demesnes in the said Counties
 (except the City of *Waterford*)
 to hold to the said *Thomas*, and
 his heirs, until our the said
 Grandfather or his heirs, should
 by fine, or otherwise, demise
 them out of his hands; yielding
 thereout at the Exchequer at
Dublin 250 Marks yearly. And
 our Lord *Henry*, heretofore King
 of

" centas et quinquaginta Mar-
 " cas per Annum. Et inclitæ
 " recordationis Dominus *Hen-*
 " *ricus*, quondam Rex *Angliæ*,
 " Pater noster, postquam præ-
 " dicti Comitatus, castra, terræ,
 " et tenementa, ad Manus suas
 " devenerunt, habitâ diu seisinâ
 " eorundem, nos de eisdem Co-
 " mitatibus, Castris, terris, et
 " tenementis, cum pertinentiis
 " sæfasset, habendum et tenen-
 " dum nobis et hæredibus nos-
 " tris in perpetuum, ita quod
 " non separarentur a Coronâ
 " *Angliæ*. Nosque postmodum
 " de Comitatibus, terris, et te-
 " nementis prædictis, una cum
 " Custodiâ Castri de *Dungar-*
 " *van*, *Johannem*, filium *Thoma-*
 " *dum* infra ætatem fuimus,
 " seofassemus, habendum &
 " tenendum eidem *Johanni*, et
 " hæredibus suis in perpetuum,
 " reddendo inde nobis et hæ-
 " redibus nostris quingentas
 " marcas per Annum ad præ-
 " dictum Scaccarium *Dublin*;
 " de quibus quidem terris & te-
 " nementis comitatuum prædic-
 " torum, cum omnibus quæ ad
 " eosdem Comitatus pertinent,
 " ratione seoffamenti prædicti,
 " sic infra ætatem facti, et in-
 " trusionibus, quas prædictus
 " *Johannes* fecit in eisdem sine
 " liberatione nostrâ, seu Minis-
 " trorum nostrorum, per præ-
 " ceptum nostrum versus *Tho-*
 " *mam*, filium *Mauritii*, con-
 " sanguineum & hæredem præ-
 " dicti

of *England*, of illustrious me-
 mory, our Father, after the said
 Counties, Castles, Lands, and
 Tenements, came into his hands,
 having long had Seizin thereof,
 he infeoffed us of the same
 Counties, Castles, Lands, and
 Tenements, with the Appurte-
 nances, to have and to hold to
 us and our heirs for ever, so that
 they should not be separated from
 the Crown of *England*. And we
 afterwards, while we were un-
 der age, infeoffed *John Fitz-*
Thomas of the said Counties,
 Lands, and Tenements, together
 with the custody of the castle
 of *Dungarvan*, to have and to
 hold to the said *John*, and his
 heirs for ever; rendering there-
 out to us and our heirs five hun-
 dred marks yearly at the said
 Exchequer at *Dublin*; all which
 Lands and Tenements, and
 Counties aforesaid, with the ap-
 purtenances thereto belonging,
 by reason of the said seoffment
 made while we were under age,
 and of the intrusions, which the
 said *John* made into the same,
 without the livery of us or our
 Ministers, we recovered by our
 precept in our Court, by the judg-
 ment of the said Court, as our
 right, against *Thomas Fitz-Mau-*
rice, Cousin and heir of the said
John, together with the residue
 of the Lands and Tenements,
 with the appurtenances, which
 remained in the hands of the
 said *Thomas Fitz-Maurice*, We
 in

“ dicti *Johannis* in Curia nos- in consideration of the laudable
 “ tra per considerationem ejus- services, &c.
 “ dem Curie recuperavimus ut
 “ jus nostrum, et residuum ter-
 “ rarum & teneamentorum, cum
 “ pertinentiis, quod in manum
 “ predicti *Thome* filii *Mauritii*
 “ remansit, nos consideratione
 “ laudabilis servitii, &c.”

And then he grants those lands to the heir of *Thomas Fitz-Anthony*. By this recital of the grant made to *Edw. 1.* by his Father *Hen. 3.* it appears, that he had power to grant the lands of *Ireland*, and accordingly did grant them; but this clause was inserted in the grant, which gave that power, *ita quod non separarentur a Corona Angliæ*, — so that they should not be separated from the Crown of *England*, and that in the original grant made to him of *Ireland* by his Father there was that clause appears by Sir *John Davis*(n), (n) *ibid.* N where he says, that *Hen. 3.* gave the whole land of *Ireland*²⁵ to *Edward*, the Prince, his eldest Son, and his heirs, *ita quod non separaretur a Corona Angliæ*, — so that it should not be separated from the Crown of *England*; whereupon it was called the land of the Lord *Edward*, the King's eldest Son, and all the officers of the land were called the officers of *Edward*, Lord of *Ireland*, and that this original Charter yet remaineth perfect, with an entire seal in the Treasury at *Westminster*. And by the abovementioned writ directed to the Bishops, &c. it is plain, that his power was placed over the ecclesiastical government to regulate the same.

Now we do not find, that King *John* had any greater power, or more absolute government over *Ireland*, than *Edw. 1.* when he was Prince, had; therefore we have no reason to think, that he had a more absolute interest and power over *Ireland* from King *Hen. 2.* than *Edw. 1.* had from his Father *Hen. 3.* which yet was subject to the government of *England*.

Again, this grant made to *Edw. 1.* was made by his Father *Hen. 3.* who was son to King *John*, and succeeded him in the kingdom, and therefore could not be ignorant of it, if there had been such a separation, as the author speaks of, by the grant to King *John*; but in the time of *Hen. 3.* there was no separation of *Ireland* from *England*; for in his grants

grants made to *Edw. 1.* he provides, that it should not be separated from the Crown of *England*, which had been a senseless thing for him to have done, if it had been a separate and distinct kingdom, absolute of itself before; neither could it possibly be so separated, and after united again in so short a time, but that we should have had some testimony either of the separation or union, or how either of them should have been done, of any of which we have none; and therefore may well conclude, that it was from the conquest thereof united to *England*, and subject to the laws thereof, and so ever accounted as hereafter shall appear.

Likewise in the said Act of Parliament *pro unitate terrarum*,—for the unity of the two lands, and the same, or another to the same purpose cited by Mr. St. John to be entered in the Pat. Rolls of *5 Edw. 3.* but by that of the Lord Cooke to be *13 Edw. 1.* (but for the matter they are all one) it is enacted, *quod una et eadem lex debet esse tam in Regno Angliæ, quam Hiberniæ*,—that one and the same law ought to be observed as well in the kingdom of *England*, as in *Ireland*, and by that which Mr. St. John cites, *eadem lex fiat tam Hibernicis quam Anglicis*,—Let the same Law be used as well to the *Irish* as to the *English*; by which acts, and the grants of *Hen. 3.* to his son, nothing can be more plain, than that *Ireland* was united to *England*, and so in those times accounted to be, yea and bound by the statutes of *England*: for in these statutes it is not said, that the Common Law shall be the same, but *omnes leges et consuetudines teneantur, et eisdem legibus subjaceat*,—that in it all laws and customs shall be observed, and it shall be subject to the same laws, and to the Statute Laws, as well as the Common Laws. And I much marvel, that the author citing these statutes, which no doubt he could not but have read in Mr. St. John's argument, and which makes so much against him, not so much as offers to give any answer to them, or clear them from these objections and reasons, which so naturally arise out of them; but silently passes them over, as he does all St. John's other allegations (to which the Reader is referred) which so fully prove *Ireland* to be annexed and united to the Crown of *England*, and that the King and Parliament of *England* have power over *Ireland*. To which I shall add some statutes, which are the most binding and highest authorities, and those made in *Ireland*, to prove the same

same to be united and annexed to the Crown of *England*, and so shall conclude of this first matter.

The statute of 28th *Hen. 8. Chap. 6.* in *Ireland*, concerning appeals, saith, this land of *Ireland* is the King's proper dominion of *England*, and united, knit, and belonging to the Imperial Crown of the same realm, which Crown of itself, and by itself, is fully, wholly, intirely, and rightfully endowed and garnished with all power, authority, and pre-eminence, sufficient to yield and render to all and singular subjects of the same, full and plenary remedies in all causes of strife, debate, &c. By which statute it is most manifest, that if *Ireland* be the King's proper dominion of *England*, and united and knit to the Imperial Crown of the same, as the statute saith it is, that then it is not divided and separated absolutely from it, as the author would have it; and if the Crown of *England* hath full power and authority to render full remedies to all the subjects of the same, and *Ireland* be united to that Crown, then the Kings and Parliaments of *England* have power to give laws to *Ireland*, as a part belonging to the Crown of *England*. The statute of Absentees in *Ireland* 28th *Hen. 8. Chap. 3.* saith, that it is notorious and manifest, that this the King's land of *Ireland*, heretofore being inhabited, and in due obedience and subjection unto the King's most noble progenitors, Kings of *England*, who in those days, in the right of the Crown of *England*, had great possessions, rents, and profits, within the said land, &c. What can be more plain, than that *Ireland* is annexed to *England*, whereas the Kings of *England* had in the right of the Crown of *England* great possessions, rents, and profits there in *Ireland*, and that not at the time of making this Act, but long before in the time of the progenitors of *Hen. 8.* which no doubt were not many years after the conquest; for then was *Ireland* better settled, and in more due obedience, than ever it was after, till of late years.

Statute 28th *Hen. 8. Chap. 5.* in *Ireland* says, that the land of *Ireland* is depending and belonging justly and rightfully to the Imperial Crown of *England*.

The Statute of Faculties in *Ireland* 28th *Hen. 8. Chap. 19.* recites the same Act formerly made in *England*, and adds further, that forasmuch as it is mentioned in the said Act, that the effects thereof should not only extend into the realm of *England*, and to the commodity thereof, but also to all

which before and now are part of the counties of *Down* and *Antrim*, with many others of this kind in all the several parts of the kingdom, which they enjoyed in the province of *Conaught* in the times of *Edw. 1. and 2.* *Conaught* did not contain that whole province, as we now account it; but there was then the county of *Conaught*, which was but a part of that province, and the county of *Rescommon*, which is now accounted a part of the province of *Conaught*, as appears by the records of those times.

In the Chief Remembrancer's Office *Anno 32. 33 Edw. 1. Rot. 4. 5. Connacia.* Richardus Blake, *vicecomes Connacie, et Conaught.* Richard Blake, Sheriff of *Conaught*, — *et Rot. 23. Rescommon. Mandatum est vicecomiti, de Rescommon, quod de bonis & catallis David de Burgo pecuniam, quæ arretræ est de terris Regis de Offrithes levare faciat hic Regi in Crastino Purificationis Mariæ solvendam, —* The Sheriff of *Rescommon* is commanded, that he levy of the goods and chattles of *David de Burgo* the money, which is in arrear out of the King's lands of *Offrithes*, to be paid here to the King on the day after the Purification of the Virgin *Mary*.

In 31, 32, 33, 34 *Edw. 1. Rot. 13.* Gerald Tirrel *vicecomes de Rescommon, et in Rot. 12. Connacia.* Hen. Birmingham *nuper vicecomes Connacie. — Conaught.* Henry Birmingham late Sheriff of *Conaught.* Hill 15. *Edw. 2.* in the plea roll of the court of Common Pleas.

“ *Connacia.* Præceptum fuit
“ *vicecomiti, quod capiat in*
“ *manum Domini Regis per*
“ *visum, &c. tertiam partem*
“ *Maneriorum de Foran &*
“ *Rymnel, et advocacionem ec-*
“ *clesiæ Manerii de Rymnel,*
“ *cum pertinentiis, quod Ma-*
“ *ria, quæ fuit uxor Odonis de*
“ *Barry senioris in curiâ hic cla-*
“ *mat ut dotem suam versus*
“ *Odonem filium Odonis senio-*
“ *ris, per defectum ipsius Odo-*
“ *ni.*”

Conaught 82. The Sheriff was commanded to seize into the King's hands by view, &c. the third part of the Manors of *Foran* and *Rymnel*, and the advowson of the church of the Manor of *Rymnel*, with the appurtenances, which *Mary*, who was the wife of *Odo de Barry* the elder, claimeth here in court, as her dower, against *Odo*, son of *Odo* the elder, by default of the said *Odo*.

Misch.

Miscb. 17. *Edw.* 2. in the plea roll of Common Pleas,

Conaught Roscommon Tipperary } " Preceptum fuit
" " vicecomiti Ros-
" " common quod
" venire faciat hic ad hunc di-
" em duodecim tam, &c. de
" vicineto de *Atbtruim O-many*
" per quos, &c. et qui nec *Ed-*
" *mundo de Valle*, nec *Richardo*
" filio *Richardi de Valle*, aliquâ
" affinitate attingunt ad recog-
" noscendum super sacramen-
" tum suum, si prædictus *Richardus*, filius *Richardi* die
" lunæ proximè ante festum S.
" *Michaelis*, anno Regni Regis
" nunc 15, veniendo versus
" *Dublin* captus fuit apud *Atb-*
" *truim O-many*, per *Morrogh*
" *O-Callie*, et sequelam suam,
" *Hibernicos Felones Domini*
" Regis, et ibi in prisona deten-
" tus usque in crastinum anima-
" rum proximè sequentem, ita
" quod interesse non potuit co-
" ram Justitiariis hic ad quin-
" denam S. *Michaelis* ad res-
" pondendum prædicto *Edmun-*
" *do* de placito quod reddat ei
" unum messuagium sexaginta
" & sex decem acras terræ,
" cum pertinentiis, in *Knockras-*
" *ban*, quæ prædictus *Edmun-*
" *dus* in curiâ hic clamat ut
" jus suum versus *Richardum*
" filium *Richardi*, &c. Et præ-
" dictus *Edmundus*, et *Richar-*
" *dus* filius *Richardi*, per attor-
" natos suos modo venerunt,
" & Vicecomiti *Roscommon* mo-
" do mandatum fuit, quod bre-
" ve istud returnaret, et retor-
" navit, quod liberavit illud

" *Petro*

Conaught Roscommon Tipperary } The Sheriff of the
" county of *Roscom-*
" *mon* was com-
" manded to summon twelve men
" to appear here on this day, &c.
" out of the vicinage (neighbour-
" hood) of *Atbtruim O-many*, by
" whom, &c. and such, who are
" no way related by affinity nei-
" ther to *Edmund de Valle*, nor to
" *Richard Fitz-Richard de Valle*,
" to find upon their oaths, if the
" said *Richard Fitz-Richard* on
" the Monday next before the feast
" of St. *Michael*, in the 15th year
" of the King that now is, in com-
" ing towards *Dublin*, was taken
" at *Atbtruim O-many* by *Mor-*
" *rogh O-Callie*, and his follow-
" ers, *Irish Felons of the King*,
" and there detained in prison un-
" to the morrow of *All Souls* next
" following, so that he could not
" appear before the Justices here
" on the quindene of St. *Michael*,
" to answer the said *Edmund* in a
" plea, whereby he was required
" to render unto him one mes-
" suage, and seventy six acres of
" land, with the appurtenances,
" in *Knockrasban*, which the said
" *Edmund* challenges in the Court
" here, as his right, against the
" said *Richard Fitz-Richard*, &c.
" And the said *Edmund* and *Richard Fitz-Richard* now ap-
" peared by their Attorneys, and
" the Sheriff of *Roscommon* was
" now commanded to return the
" said writ, and he returned, that
" he delivered the same to *Peter*
" *de Cancewelly*, Constable of the

E 3

castle

• *Petro de Cancewelly*, Consta-
 • bulario de *Albtruim O-many*,
 • qui officium in brevi contentum
 • facere tenetur, qui nihil re-
 • spondet, propter quod officium,
 • prout in brevi continetur,
 • exequi non potuit. Et prædictus
 • *Edmundus* dicit, quod prædictus
 • *Richardus* filius *Richardi*
 • alias fecit defaultam in curiâ
 • hic; et postea prædictus *Richardus*
 • venit hic (*viz.*) in
 • Crastino animarum Anno Regni
 • Regis nunc 16^o. et dixit
 • quod ipse captus fuit in comitatu
 • *Connaciæ* apud *Albtruim*
 • *O-many* per prædictum *Morrogh*,
 • et ibidem in prisonâ detentus,
 • ut prædictum est, et tunc petiit
 • verificari, prout patet in rotulo
 • de prædicto termino (*viz.*) in
 • crastino animarum Anno Regni
 • Regis nunc 16^o. super quo tunc
 • concessum fuit vicecomiti *Connaciæ*,
 • quod venire faciat hic a die
 • paschæ proximè prædicto in 15
 • dies duodecim tam, &c. per quos,
 • &c. et qui, &c. ad recognoscendum
 • in formâ prædictâ, &c. ad quem
 • diem (*viz.*) a die paschæ in 15
 • dies vicecomes *Connaciæ* returnavit,
 • quod prædictus locus, ubi prædictus
 • *Richardus* dixit se fuisse, captum
 • non est in comitatu suo, sed est
 • in comitatu *Roscommon*, et ipse
 • *Edmundus* tunc hoc non dedixit,
 • sed bene cognovit, et prædictus
 • *Richardus* similiter tunc hoc non
 • dedixit, sed tacendo hoc concessit,
 • et ita tunc decedebat a responsione
 • suâ prædictâ. Et sic per hoc constat
 • quod

cattle of *Albtruim O-many*, whose
 business it was to execute the office
 commanded by the said writ, who
 made no return to it, upon which
 account he could not execute the
 office required by the said writ. And
 the said *Edmund* said, that the
 said *Richard Fitz-Richard* at another
 time made default in the Court
 here. And afterwards the said
Richard appeared here, namely, on
 the morrow of *All Souls* in the 16th
 year of the King that now is, and
 said, that he was taken in the
 County of *Conaught* at *Albtruim*
O many by the said *Morrogh*, and
 there detained in prison, as
 aforesaid, which he offered to
 verify, as appears in the roll of
 the said term, namely, of the
 morrow of *All Souls*, in the 16th
 year of the King that now is: upon
 which a writ then issued to the
 Sheriff of *Connaught*, that he
 should cause to appear here on
 the quindene of *Easter* twelve
 men, as well, &c. by whom,
 &c. and who, &c. to find in
 forme aforesaid, &c. At which
 day, namely, on the quindene
 of *Easter*, the Sheriff of *Connaught*
 returned, that the said
 place, where the said *Richard*
 alledged he was taken, is not in
 his County, but is in the County
 of *Roscommon*, and *Edmund*
 himself did not then deny the
 same, but fairly acknowledged it;
 and in like manner the said
Richard did not then deny it, but
 by silence confessed it, and so
 he then departed from his said
 answer. And so from hence it
 appears,

non fuit captus in comitatu
Connaciæ, et Curia minus pro-
 vide per surreptionem contra
 formam Juris adjudicabat bre-
 ve vicecomiti *Roscommon* ve-
 nire faciendum Juratam inter
 eos in formâ prædictâ, ubi ad-
 judicasse debuit seisinam ei-
 dem *Edmundo* de prædictis te-
 nementis, et petit quod Curia
 redeat ad id modo faciendum,
 quod de lege fecisse debuit ad
 prædictam quindenam paschæ,
 & petit seisinam, &c. Et præ-
 dictus *Richardus* filius *Rich-*
ardi per attornatum suum
 dicit, quod de quo prædictus
Edmundus ad prædictam quin-
 denam paschæ concessit, quod
 prædictus locus est in Comi-
 tatu *Roscommon*, ipse *Richar-*
dus propter tacentiam suam a
 responsione prædictâ non ad-
 judicetur, et inde petit Judi-
 cium, et petit breve viceco-
 miti *Roscommon* in formâ præ-
 dictâ. Et quia prædictus *Rich-*
ardus alias (ut prædictum
 est) dixit, quod ipse captus
 fuit apud *Athtruim O-many*
 in Comitatu *Connaciæ*, et vi-
 cecomes *Connaciæ* returnavit,
 quod locus prædictus (ut præ-
 dictum est) non est in Comita-
 tu suo, sed in Comitatu *Ros-*
common, et idem *Richardus* ad
 prædictam quindenam paschæ
 hoc non dedixit, sed faciendo
 hoc concessit, sic ipse tunc de-
 cadebat a responsione suâ præ-
 dictâ (viz.) quod captus fuit
 in Comitatu *Connaciæ*, ideo
 consideratum est, quod præ-
 dictus *Edmundus* recuperet
 seisinam suam de prædictis te-
 nementis

appears, that he was not taken
 in the County of *Connaught*; and
 the Court unadvisedly and by
 surprize adjudged against form
 of law a writ to issue to the
 Sheriff of *Roscommon* to cause a
 Jury to appear between them
 in form aforesaid; where they
 ought to have adjudged seisin
 of the said tenements to be giv-
 en to the said *Edmund*, and de-
 manded, that the Court should
 return to do that, which by law
 they ought to have done on the
 said quindene of *Easter*, and de-
 manded seisin, &c. And the
 said *Richard Fitz-Richard* by
 his Attorney said, that since the
 said *Edmund* on the said quin-
 dene of *Easter* allowed, that the
 said place is in the County of
Roscommon, that he the said *Rich-*
ard by reason of his silence
 should not be concluded from
 his said answer, and thereupon
 demanded judgment, and a writ
 to the Sheriff of *Roscommon* in
 form aforesaid. And forasmuch
 as the said *Richard* at another
 time (as is aforesaid) alledged,
 that he was taken at *Athtruim*
O-many in the County of *Con-*
naught, and the Sheriff of *Con-*
naught returned, that the said
 place (as is aforesaid) is not in
 his County, but in the County
 of *Roscommon*, and the said *Rich-*
ard on the said quindene of
Easter did not deny this, but by
 his silence confessed it, so he
 then departed from his said an-
 swer, namely, that he was tak-
 en in the County of *Connaught*;
 therefore it is adjudged, that
 the said *Edmund* should recover

“nēmentis verſus prædictum
“Richardum per defaultam ipſi-
“us Richardi, &c.”

his ſeiſin of the ſaid tenements
againſt the ſaid *Richard* by the
default of the ſaid *Richard*,
&c.

Pat. 11. *Edw.* 2.

Pat. 11. *Edw.* 2. “Vicecomites *Dublin, Meath,*
“*Kildare, Tipperaria, Lymerrick;*
“*Cork, Connacia, et Roſcom-*
“*mon* habent brevia ad capien-
“dum in manum Regis omnes
“terrās & tenementa, bona &
“catalla *Walteri de Lacie, &c.*
“propter feloniam, &c. & quod
“corpora eorum capiuntur.”

The Sheriffs of *Dublin, Meath;*
Kildare, Tipperary, Lymerrick;
Cork, Connaught, and Roſcom-
mon, have writs directed to them
to ſeiſe into the King’s hands
all the Lands and Tenements;
Goods and Chattles of *Walter*
de Lacie, &c. for felony, &c.
and to ſeiſe their bodies.

I will not be troubleſome to cite any more Records for
the province of *Connaught*, but ſhall proceed to the province
of *Ulſter*; and to prove that it was antiently divided into
counties, I ſhall cite ſome few.

Rot. Pat. 20. *Edw.* 2.

Pat. 20. *Edw.* 2. “Rex dilecto ſibi *Jobanni de*
“*Mandeville*, ſalutem. Sciatis,
“quod commiſſimus vobis offi-
“cium Vicecomitis de *Duno*, et
“*Novæ-villæ*, Habendum et
“exercendum quam diu nobis
“placuerit; ita quod de exini-
“bus eorundem comitatum
“nobis ad ſcaccarium noſtrum
“*Dublin* respondeatis, capiendō
“ſæda, quæ alii Vececomites
“in comitatibus prædictis tem-
“poribus retroactis capere con-
“ſueverunt. Mandamus etiam
“per præſentes omnibus Balivis
“& fidelibus noſtris comitatu-
“um prædictorum, quod vobis
“in officio prædicto intendentes
“ſint & reſpondentes. Dat 110.
“*Septemb.* 20^o. *Edw.* 2.”

The King to his beloved *John*
de Mandeville, greeting. Know
ye, that we have committed to
you the office of Sheriff of *Down*
and *New-ton*, To have and
occupy during our pleaſure; ſo
that you be reſponſible to us at
our Exchequer at *Dublin* for
the iſſues of thoſe counties, tak-
ing ſuch fees as other Sheriffs
in the ſaid counties in time paſt
have uſed to take. We alſo by
theſe preſents command all Bai-
liffs, and other our faithful ſub-
jects of the ſaid counties, that
they be obedient and anſwera-
ble to you in the ſaid office.
Dated the 11th of *September*,
20th *Edw.* 2.

Robertus

Robertus Savage habet consimilem warrantiam pro officio *Colevain* in
Vicecomitis comitatus de Coulrath sub eodem datu.—Robert many anti-
 Savage has a like warrant for the office of Sheriff of the ent records is
 county of *Coulrath*, of the same date. called *Coul-*
rath.

Rot. Pat. 20 Edw. 2. *Rex dilecto sibi Johanni de Athye salutem. Sciatis quod commissimus vobis officium Vicecomitis in comitatibus de Carrickfergus et Antrim, tenendum quam diu nobis placuerit ;* and so verbatim as in the former patent to *John Mandeville.*—Dat. 11. Septemb. 20 Edw. 2.—The King to his beloved *John de Athye*, greeting. Know ye that we have committed to you the office of Sheriff of the counties of *Carrickfergus*, and *Antrim*, to hold during pleasure, &c.

Concerning *Leinster*. The only counties that were (as the Author saith) made shire ground in the reign of *Queen Mary*, and not before, were the *King's* and *Queen's* counties (for the county of *Wicklow* was taken out of the county of *Dublin* of late years) But it appears they were anciently parcels of other counties.

It appears in the black book of the Exchequer in *Ireland*, This was in
 fol. 81. and in sundry pipe rolls, that the territory of *Crin-Edw. 3. time.*
gydagh, which lies on west *Meath* side, was charged with royal service, as lying within the county of *Meath*, and it is now made part of the *King's* county.

The manor of *Grasbill*, now lying in the *King's* county, was the antient inheritance of the Earl of *Kildare*, and containeth near forty plow lands, and was antiently in the county of *Kildare*, as appeareth by an inquisition taken at *Naas* in the county of *Kildare*, Anno 3. Edw. 2. mentioned in a record in *Bermingham's* tower in the said year, importing that *Maurice Fitz-Gerald* was seized thereof, and that he had issue *Gerald*, who conveyed the same to *John Fitz-Thomas*, the said Earl's ancestor.

In the black book of the Exchequer, fol. 84. and in divers other pipe rolls, it appears, that *Offaly*, part whereof is now in the *King's* county, is charged with twelve Knights fees to the King in the county of *Kildare*.

Concerning the *Queen's* county, it appears, that *Simon*, In a plea
 son to *John Delaboide*, brought a Formedon in Discender a roll in the
 gainst Sir *Maurice Fitz-Gerald*, Knight, for twelve plow chief Re-
 lands, which lye in the remotest part of *Leix*, upon a deed membran-
 made by *Andrew Preston* to the said *John*, and *Agatha* his cer's office
 wife, 6 Edw. 3.

wife, et hæredibus de corporibus ipsorum Johannes & Agathæ,
—and to the heirs of the bodies of the said *John* and *Agatha*,
as lying in the county of *Kildare*.

In *Berm.* By an inquisition taken at *Salmon Leap* in the county of
tow. in the *Kildare*, Anno 20. *Rich.* 2. it appears, that Sir *Robert*
bundle of of- *Preston*, among other things, tenuit per legem Angliæ de
fices of *Rich.* *Preston*, among other things, tenuit per legem Angliæ de
2. hæreditate *Margaritæ*, nuper uxoris suæ, manerium de *Sion*
Leix is now in *Leix* de *Rogero* de *Mortuomari*, ut de manerio suo de
a great part in *Leix* de *Rogero* de *Mortuomari*, ut de manerio suo de
of the *Qy.* *Donmaske*,—that Sir *Robert Preston* held by the law of
coun. *England* the inheritance of *Margaret*, his late wife, the
manor of *Sion* in *Leix* of *Roger Mortimer*, as of his manor
of *Donmaske*, &c.

Plea roll. 21 It appears, that in the 26th of *Edw.* 3. *Connell O-more*
Edw. 3. Bot. of *Leix*, who had after rebellion submitted himself at *Athy*
62. in tur. to *Walter Bermingham*, Justice of *Ireland*, and acknow-
Berming. ledged that he held his manor of *Bellet*, and other his lands
in *Leix*, of *Mortimer*, as of his said manor of *Donmaske*;
and by the Record it appeareth that those lands were then
in the county of *Kildare*.

Bund. offic. It appears by an office taken the 8th of *Hen.* 5. at *Naas*,
Hen. 5. in in the county of *Kildare*, upon a writ of devenerunt, that
tur. *Berming.* the manor of *Courtbreak* (now called *Castlebreak*) and the
Lordship of *Oregan*, which are now in the *Queen's* county,
were in the hands of *Hen.* 4. by the death of *John Fitz-*
Gerald, Earl of *Desmond*, and were in the hands of *Hen.* 5.
by reason of the minority of *Thomas* his Son.

Dean. 6. Ed. In an inquisition taken at *Catherlogh* 6th *Edw.* 6. it ap-
in Scac. pears,

Quod *Hen.* 8. seistus fuit de
terris in *Ballintubber*, *Kill-*
ishen, & aliis terris in *Slieu-*
Marge, in comitatu *Cather-*
logh, & quod diversi subditi,
quorum nomina ignorantur,
seistiti fuere de residuo Domi-
nii de *Slieu-Marge* in comita-
tu *Catherlogh*, et quod *Cong-*
gallus O-More, et alii rebelles
intraverunt et intruserunt,
&c.

That *Hen.* 8. was seized of the
lands of *Ballintubber*, *Killishen*,
and other lands in *Slieu-Marge*,
in the county of *Catherlogh*,
and that divers subjects, whose
names are not known, were
seized of the residue of the
Lordship of *Slieu-Marge* in the
county of *Catherlogh*, and that
Congal O-More, and other re-
bels, entered and intruded
therein, &c.

This

This *Slieu-Marge* is now in the *Queen's* county; and, if it were necessary, it might be made appear, that every particular territory in the *King* and *Queen's* counties were found by Records to be parcels of some one of the ancient counties, made (as our Author saith) by King *John*.

By these Records, and many others remaining in *Ireland*, it appears, that *Ireland* was antiently divided into counties, that the King's writs were current there, that the Sheriffs did execute them, and that accounts were made in the Exchequer at *Dublin*, that they had manors, advowsons of churches, franchises, &c. as they had in *England*. But this being not so close to the matter in hand, what is said shall suffice.

The second ground laid down by the Author (which if it prove false will overthrow his whole building) is, that all such statutes as have been made since the time that King *John* established the laws of *England* in *Ireland*, which are only declaratory of the Common Law, are of force in *Ireland* without any other confirmation or approbation, but only the first establishment, as the statute of the 25th *Edw.* 3. *de Proditionibus*, and many other statutes of the like kind (as he saith); but such statutes, as are introductive and positive, making new laws, or altering, adding to, or diminishing the antient Common Laws, have not been of force in *Ireland*, till they were enacted, allowed, and approved of by act of Parliament in *Ireland*, as may appear by the judgments of many Parliaments holden there, viz. the 13th of *Edw.* 2. and others, which we shall examine afterwards, whether there were any such or no; and if there were, what they were, and of what force. And again he saith the same thing, and a third time he saith, it is not to be found in any record in *Ireland*, that ever any Act of Parliament, made in *England* since the time of King *John*, was by the judgment of any Court received for law, or put in execution in *Ireland*, until the same was established by Act of Parliament in *Ireland*: and a fourth time (that he may be the better believed) he cites *Brook.* tit. Parliament, p. 19. That *Ireland* is a realm of itself, and hath its own Parliaments, implying thereby (saith he) that *Ireland* cannot be bound but by the Parliament of *Ireland*, and according to that (saith he) is the opinion of the Judges 20th of *Hen.* 6. fol. 8. and likewise, contrary to the opinion of *Hussey*, are

eight

eight several Parliaments in *Ireland* before the statute of the 10th of *Hen. 7.* viz. the 13th of *Edw. 2.* the 19th of *Edw. 2.* the 18th of *Hen. 6.* the 29th of *Hen. 6.* the 32d of *Hen. 6.* the 37th of *Hen. 6.* and the 8th of *Edw. 4.* and since the statute of the 10th of *Hen. 7.* of five Parliaments, viz. the 28th of *Hen. 8.* the 33d of *Hen. 8.* the 28th of *Eliz. 11 Jac.* and 10 *Car.* besides the statute of the 10th of *Hen. 7.* itself. And he saith, it doth not appear by any record found in *Ireland*, or in any of the year books in *England* since the time of King *John*, which is above 400 years, that ever any judgment was given or grounded upon any statute made in *England*, which is a meer positive law, and not a declaration of the Common Law, before the same was received and allowed by Act of Parliament in *Ireland*.

Let us now therefore examine this his second ground. And first, if it should be admitted, that the Parliament of *England* did never make laws, which did bind, and were executed in *Ireland*, before they were confirmed by Parliament there, to conclude therefore from thence, that they have no power to do it, is a very ill consequence, and unsound argument, and the contrary may easily be proved. But because that assertion, that the Parliament of *England* did never make laws which bound in *Ireland*, till they were confirmed there by Act of Parliament, is manifestly mistaken, I will not trouble any with the unsoundness of this argument; but let us see the invalidity of this assertion.

It appears by the Author's own confession, that such laws made in *England*, as are declaratory of the Common Law, do bind *Ireland*, as the statute 25 *Edw. 3d. de preditionibus*, and many other statutes, as he saith, without any confirmation there; whence it must necessarily follow, that the Parliament of *England* hath still an influence upon *Ireland*; for their exposition by a statute there, where the law is in any doubt of the Common Law in *Ireland*, is, as he saith, of force in *Ireland*, without any other approbation, which could not possibly be if *Ireland* were so absolute, that the government of *England* had nothing to do with it. Further, what had *Ireland* to do with their declaratory laws? Or how should they bind them? But if it should happen, that the Parliament of *England* should make an exposition of a law in force in *Ireland*, and the Parliament there should make another, and that it may be different or contrary to that of *England*,

England, certainly *Ireland* must be bound (by the Author's own rule) by the declaratory statute of the Parliament of *England*. For he saith, that the statutes of *England*, as that of 25th *Edw.* 3d, &c. which are only declaratory, are of force in *Ireland* without any other confirmation. And if they have power by a statute there to declare what is law which shall bind in *Ireland*, why should they not as well have power to make a new law to bind it? For if a declaratory law binds, it binds as it is a statute; for the declaratory statute saith, the law should be thus or thus taken. Therefore, if they should not bind in other cases, where positive laws (as he calls them) are made for *Ireland*, as well as in these, you must say the Parliament of *England*, has power to bind *Ireland* by a statute made in *England*, and yet it has not power to bind *Ireland*; and yet it is one and the same power, which makes declaratory laws and new laws, and so it is understood in the Parliament of *York*, 12. *Edw.* 2. Where in the preamble to those statutes it is said—"Because the people of the realm of *England* and of *Ireland* have suffered mischiefs and disseisins, &c. because in some cases, where default was in law, no remedy was ordained, and because some statutes before made had need of a declaration; therefore the King at his Parliament there holden made the statutes following, which he would have firmly kept in his said realm, and in his said land." By which it appears, that the Parliament there conceived, that their power was all one, both to make new laws, and to make declarations upon laws formerly made, as well in *Ireland* as *England*; and therefore to go about to divide their power (as the Author would do by his distinction) is a distinction and a division of a thing, which is in truth indivisible, and never before heard of, and, I believe, which by understanding men will hardly be believed or maintained. But if this difference (which I believe will prove a difference without a diversity) should be admitted to him, then saith he, laws which are introductive and positive, making new laws, or altering, adding to or diminishing the antient Common Laws, have not been binding or of force in *Ireland*, till they have been enacted and approved by Act of Parliament in *Ireland*.

In finding out the truth of this, let us first inquire, what the Parliaments of *England* have done, and what acts they have

have made concerning *Ireland* in former ages. By the name of *Parliament*, I desire once for all to be understood acts made by the consent of the King, Lords, and Commons.

(p) 13. *Edw.* 1. The preamble to the statutes of *West.* 2. (p) saith, " That
 " whereas of late our sovereign Lord the King, in the 6th
 " year of his reign, calling together his Prelates, &c. and
 " his Council at *Gloucester*, and considering, that divers of
 " this realm were disinherited, by reason that in many cases,
 " where remedy should have been had, there was none pro-
 " vided by him nor his Predecessors, ordained certain sta-
 " tutes right necessary and profitable for his realm, where-
 " by the people of *England* and *Ireland*, being subjects un-
 " to his power, have obtained more speedy justice in their
 " oppressions, than they had before, &c." By which it
 appears, that the statute of *Gloucester*, wherein only the
 realm of *England* is named, did bind and was executed in
Ireland. For the statute saith, that by these statutes the
 people of *Ireland* obtained more speedy justice than they had
 before, as well as the people of *England*.

(q) 13. *Edw.* 1. The statute called *Statutum de Mercatoribus* (q) doth
 confirm the statute of *Acton Burnell* (r), and at the end
 thereof saith, " that this ordinance and act the King willeth
 (r) made 11. " to be observed throughout his realms of *England* and *Ire-*
Edw. 1. " land, among which people they that will may make such
 " Recognisances, &c.

By a Parliament in the time of *Edw.* 1. the customs of
 wool, wool-fells, and leather, were granted to the King of
England, *Ireland* and *Wales*. *Cook* 2d. Instit. fol. 531.

(s) made 12. The preamble of the statute of *York* (s) saith, " Foras-
Edw. 2d. " much, as the people of the realm of *England*, and of the
 " land of *Ireland*, heretofore, have suffered mischief, da-
 " mage, and disseisin, by reason that in some cases, where
 " the law failed, no remedy was ordained, and forasmuch
 " as some points of the law heretofore made had need of a
 " declaration, the King at his Parliament at *York* in the
 " 12th year of his reign hath made the establishments and
 " statutes following, which he willeth to be firmly observed
 " in his said realm and land."

In 34. *Edw.* 3. Chap. 17. a statute was made in *Eng-*
land, that the people of *England*, which have their posses-
 sions in *Ireland*, may bring their corn, &c. to *Ireland*, and
 from

from thence re-carry their goods and merchandizes freely into *England* without impeachment, paying their customs to the King.

Anno 3d. *Rich.* 2. an act was made in *England* against absentees, and commanding all such as had land in *Ireland* to return and reside thereon, upon pain to forfeit 2 thirds of the profits thereof. This act is cited by Sir *John Davis* (t)^(t) Arch.tur. rot.Parl. 42. p. 42. 222. of which more hereafter.

Statute 4. *Hen.* 5. Chap. 6. in *England* recites, that it was ordained in the time of the King's progenitors by a statute made for the land of *Ireland*, that none of the *Irish* nation should be chosen by election to be Archbishop, Bishop or Abbot, &c. nor accepted to any dignity or benefice in the same land, by colour of licences from the King's Lieutenant there, which said statute was not duly kept, therefore that statute ordains, that the said statute should be well and truly kept, and fully executed, &c. And that, whereas the said Bishops and Peers of the Parliament of that land bring with them to the Parliaments, and Councils, there holden, *Irish* servants, whereby the privities of the *Englishmen* within the said land have been, and be duly discovered to the *Irish* people, rebels to the King, &c. That statute of 4. *Hen.* 5. further ordains, that if any such Archbishop, Bishop, &c. of the *Irish* nation, rebels to the King, have in time past made, or from thenceforth shall make any collations, &c. to benefices in the land of *Ireland*, against the form of the former recited statutes, or bring with them any *Irish* rebels among the *Englishmen* to the Parliaments, &c. within the land, that then from time to time all their Temporalities shall be seized into the King's hands, till they have made fines to the King, &c. as by that statute, printed among the statutes at large in 1587 more at large appears. By stat. 1. *Hen.* 6. Chap. 3. in *England*, it is enacted, that all *Irish* people, which have benefices or offices in the land of *Ireland*, shall abide there upon their benefices and offices, upon pain to lose and forfeit the profit of their benefices for the defence of the land of *Ireland*, according to the ordinance made in the time of King *Hen.* 5. the first year of his reign.

By statute 10. *Edw.* 4. cited in *Bagot's* affize, 19. *Edw.* 4. fol. 9, 10, 11. It was enacted, that King *Edw.* 4. should have all such manors, lands, &c. whatsoever they be,

be, in *England, Wales, and Ireland*, and in *Calais*, and the marches thereof, as King *Richard* had on the feast of St. *Matthew* in the 22d year of his reign into the right and title of the Crown of *England*, and Lordship of *Ireland*.

(*) 1st. Rep.
fol. 28.

By statute 19. *Hen.* 7. in *England*, cited by *Coke* (u) in *Altenwood's* case, it is enacted, that *Edw.* Earl of *Warwick*, confederate with *Perkin Warbeck*, shall forfeit to the King all his honours, castles, manors, &c. within the realms of *England* and *Ireland, Wales, Calais*, or the marches of them.

By statute 27. *Hen.* 8. Chap. 20. in *England* it was enacted, that every of the King's subjects of the realms of *England, Ireland, and Wales, and Calais*, and the marches of the same, according to the ecclesiastical laws and ordinances of the Church of *England, &c.* shall pay their tythes and offerings.

By these and many other statutes made in *England* in several Kings reigns concerning *Ireland*, it is apparent, that the Parliament of *England* in all times made no doubt, but that the laws made there concerning *Ireland* did bind in *Ireland*.

(w) *Ploud.*
Com. fol.
398. b.

It is said, (w) that the Parliament is a Court *de tres grande Honor et Justice de quel nul doit imaginer chose dishonorable*; —that the Parliament is a Court of high Honour, and Justice, of which nothing dishonourable ought to be imagined; —and surely heretofore the wisdom, justice, and honour of Parliaments have been accounted almost sacred. But, if this Author be to be believed, that Court was in all these Kings times so far from being wise, just, or honourable, that it hath still been full of ignorance, injustice, and stupidity. For to seek to bind a whole nation, and give them laws, whereas they had no power over them, or any thing to do with them, must needs be unjust; dishonourable, and unreasonable. And therefore, if we will believe, that what so many Kings together, what the whole representative body of the Kingdom have done in so many ages, have been just and honourable, rather than the Author's bare affirmation to the contrary, we must conclude, that the Parliament of *England* have always had power to make laws to bind *Ireland*, otherwise they would never have been so unjust, dishonourable, and unreasonable to have done it.

But

H I B E R N I C A:

But saith the Author, although the Parliament of *England* might make laws for *Ireland*, yet it is not to be found in any record in *Ireland*, that any Act of Parliament made in *England* since King *John*'s time was by the judgment of any Court in *Ireland* received for law, or put in execution there, till the same was established by Act of Parliament in *Ireland*.

In this also is the author mistaken. For it appears by records in *Ireland*, that statutes made in *England*, though *Ireland* was not named in them, were received there for law, and put in execution, before any statutes made in *Ireland* to confirm them: nay, in times, after some of the pretended statutes made in *Ireland*, by which the Author would have the Parliament of *England* barred from making laws, which might bind *Ireland*, without consent of a Parliament there statutes have been made in *England*, and some of them only for *Ireland* which were received in *Ireland*, and put in execution there, before any statute made in *Ireland* to confirm them.

And here it is to be observ'd, that the first statute which the Author cites and relies on, as a bar to the power of the *English* Parliament, is a statute, which he says was made 13. *Edw.* 2. confirming the statute of *Westminster*, 1. and 2. *Merton*, *Marls-bridge*, and *Gloucester*. And indeed, if any such kind of statute was made, that of 13 *Edw.* 2. must needs be the first; for that confirms the statute of *Merton* made in *England*, 20. *Hen.* 3. than which we have none in print received for statutes more antient, but only *Magna Charta*, and *Charta de Foresta*. But these antient statutes made in *England* were received and executed in *Ireland* before the statute of 13. *Edw.* 2. in *Ireland*, by him mentioned; and therefore, the laws of *England* bound *Ireland* before any statute in *Ireland* to confirm them.

We are again to observe, that many of the antient records of *Ireland* in troublesome times were transmitted into *England*; wherein, no doubt, we may find many things to prove what we now affirm against the Author's assertion; and those which remain in *Ireland* were put up together in one place, in the times of rebellion; and after taken out by the officers of the several courts, but not duly sorted. For we find some that belong to the court of *C. B.* to be in the remembrancer's office, &c. But the records, which are

there now vouched, are to be seen in those places, where they are said to remain.

To proceed to the proofs. It appears by the author's own discourse, that the Parliament of *England* upon the conquest had power over *Ireland*. For he saith, that the grant to King *John* was a grant in Parliament; and again, that it was done by Authority and assent of Parliament; but he makes no proof, that they granted away that power. But how the contrary appears we have in part shewed, and shall hereafter make more fully apparent.

It appears by the authorities cited by himself, as the records of 30. *Hen. 3.* and *Edw. 1.* and by that cited by Mr. St. *John 5. Edw. 3.* that in those times *Ireland* was accounted to be subject to the government of *England*, and to the laws thereof. The preamble to the statute of *Westminster 2.* makes it evidently appear, that the statutes of *Gloucester, 6. Edw. 1.* were executed in *Ireland*. For it says, that by those statutes the people of *England* and *Ireland* have obtained more speedy justice against their oppressions, than they had before; but it is not possible that the people of *Ireland* should obtain more speedy justice by those statutes, unless they had been received there for laws, and put in execution. Therefore it must necessarily follow, that the statutes of *Gloucester* were received and executed in *Ireland* before 13. *Edw. 1.* when the statutes of *Westminster 2.* were made, which was also long before the Author's first statute of 13. *Edw. 2.*

The statute of *Westminster 2. 13. Edw. 1.* gives the writ of *Cessavit* against the tenant for recovery of the lands holden, who for two years ceases doing the services reserved by tenure. This is an introductory and a new law, as is observed by *Fitz Herbert*; (x) and wherein *Ireland* is not named; yet that statute was there received, and put in execution in the same King *Edw. 1.* his time, as we may see by a record in 26, *Edw. 1. Rot. 2.* in the Remembrancer's office, but belonging to the common pleas, intitled,

Brew. fo.
208.

Placi: a.

* Placita apud *Dublin* in
 * Octavis S. *Hilarii*, anno Re-
 * gis *Edw.* 26. coram *Rob.*
 * *Bago*, et sociis suis, Justi-
 * ciariis de Banco *Dublin*. *Ro-*
 * *bertus de Willeby*, & *Alicia*
 * uxor ejus, optulerunt se 40
 * die versus *Willielmum Triffel*.
 * de placito quod reddat eis
 * decem Acres terræ, cum per-
 * tinentiis, in *Knights Town*,
 * quas idem *Willielmus* de eis-
 * dem tenet per certa servitia,
 * et quæ ad præfatum *Robertum*
 * et *Aliciam* reverti debent
 * per formam Statuti Domini
 * Regis nuper inde provisi. Eo
 * quod dictus *Willielmus* in fa-
 * ciendo dicta servitia per bien-
 * nium jam cessavit, ut dicitur.
 * Et prædictus *Willielmus* non
 * venit, et summonitus fuit:
 * Ideo Præceptum est Viceco-
 * miti, quod capiat prædictas
 * terras in manum Domini Re-
 * gis, et idem, &c. & quod
 * summoneat, &c. quod sit hic
 * a die Paschæ in 15 dies ad
 * respondendum, &c. & ad
 * ostendendum, &c.

* *Roger Bigod*, (y) Comes
 * *Norfolk*, & *Marescallus* Ang-
 * gliæ, per Attornatum suum
 * obtulit se 40 die versus *Jac-*
 * *cobum de Perse* de Placito
 * quod reddat ei unum Messua-
 * gium, et tres Carucas ter-
 * ræ, 20 Acres Prati, 20 Acres
 * Bosci, 60 Acres Pasturæ, &
 * 40 Acres Moræ, cum perti-
 * nentiis in *Tiberchalian*, que
 * idem *Jacobus* de eo tenet per
 * certa servitia, et quæ ad præ-
 * fatum Comitem reverti de-
 * bent per formam Statuti Do-
 * mini

Pleas held at *Dublin* on the
 octave of St *Hilary* in the 26th
 year of King *Edward*, before
Robert Bago and his associates,
 Justices of the common plea,
Dublin. *Robert de Willeby* and
Alicia his wife appeared on the
 4th day against *William Triffel*
 in a plea, that he should restore
 to them ten acres of land, with
 the appurtenances, in *Knight's-*
town, which the said *William*
 holds of them by certain servi-
 ces, and which ought to revert
 to the said *Robert* and *Alice* by
 form of the statute of our Lord
 the King lately enacted: be-
 cause the said *William* hath
 ceased for two years in doing
 the said services, as is alledged:
 and the said *William* was sum-
 moned, and did not appear.
 Therefore the sheriff was com-
 manded to seize the said lands
 into the King's hands; and he,
 &c. and that he should sum-
 mon, &c. that he appear on the
 quindene of Easter to answer,
 &c. and to shew cause, &c.

Roger Bigod, Earl of *Norfolk*,
 and *Mareschal* of *England*, ap- (y) 26 *Edward*
 peared by his attorney on the 1. in Office
 4th day, against *James de Perse* Rcm.
 in a plea, that he should res-
 tore to him one messuage, and
 three carucates of land, 20
 acres of meadow, 20 acres of
 wood, 60 acres of pasture, and
 40 acres of moore, with the
 appurtenances in *Tiberchalian*,
 which the said *James* holds of
 him by certain services; and
 which ought to revert to the
 said Earl, by form of the sta-
 tute of our Lord the King made

‘mini Regis inde provisi, eo
 ‘quod prædictus *Jacobus* in faci-
 ‘ciendo dicta servitia per bien-
 ‘nium jam cessavit, ut dicitur;
 ‘et prædictus *Jacobus* non ve-
 ‘nit, et summonitus fuit; præ-
 ‘ceptum est Vicecomiti, quod
 ‘capiat prædictum messuagi-
 ‘um, terras, prata, Boscum,
 ‘pasturam, et moram, in ma-
 ‘num Domini Regis, et idem,
 ‘&c. et quod summoneat ip-
 ‘sum *Jacobum* quod sit hic a
 ‘die Paschæ in 15 dies ad res-
 ‘pondendum, &c. et ostenden-
 ‘dum, &c.’

for that purpose; because, the
 said *James* ceased for two years
 from doing the said services,
 as is alledged; and the said
James was summoned, and did
 not appear. Therefore the she-
 riff was commanded to seize the
 said messuage, lands, meadow,
 wood, pasture, and moore into
 the King's hands, and he, &c.
 and that he should summon the
 said *James* to appear on the
 quindene of Easter, to answer,
 &c. and to shew cause, &c.

(2) 3. *Coke*
 11. 6. and 2,
 Instit.

The statute of *Westminster*, 2. Chap. 18. made 13. *Edw.* 1. which gives the elegit upon a judgment for debt or damages, is an introductory law, as is adjudged in Sir *William Herbert's* case; (2) before which statute the lands of the defendant upon a judgment for debt or damages should not by the Common Law be had in execution. This statute was usually executed in *Ireland* in the time of *Edw.* the first, and *Edw.* the second, before the statute of 13. *Edw.* 2. which, as the author says, did confirm it there, as appears in divers records.

Anno 35.
Edw. 1. in
 parri Birm.

‘Communia Placita apud
 ‘*Corke* coram *Johanne Wogan*,
 ‘iusticiario *Hiberniæ*, in octa-
 ‘vis sanctæ Trinitatis, 35.
 ‘*Edw.* 1.
 ‘Præceptum fuit vicecomiti,
 ‘quod de terris et catallis *Wal-*
 ‘*teri Reith* in *Bailivâ* suâ fieri
 ‘faciat 111 7s. 4d. et illas
 ‘sine dilatione habere faciat
 ‘*Julianæ Cole*, quas eadem *Ju-*
 ‘*liana* in *Curiâ*, &c. coram,
 ‘&c. apud *Corke*, per consi-
 ‘derationem ejusdem curiæ,
 ‘&c. recuperavit versus eum.
 ‘Præceptum etiam fuit viceco-
 ‘miti,

Common pleas held at *Cork*
 before *John Wogan*, Lord Jus-
 tice of *Ireland*, on the octave
 of the holy Trinity, in the 35th
 year of *Edw.* 1.

The sheriff was commanded,
 that he cause to be levied, 111.
 7s. 4d. out of the lands and
 chattles of *Walter Reith* with-
 in his Bailiwick, and without
 delay deliver them over to *Ju-*
liana Cole, which the said *Ju-*
liana recovered against him in
 the court, &c. before &c. at
Corke, by judgment of the said
 court. The Sheriff was com-

' miti, quod de terris et catallis
 ' prædicti *Walteri* in *Ballivâ*
 ' suâ fieri faceret 40s. et illos
 ' sine dilatione habere faceret
 ' *Johanni* de *Patrick-Church*,
 ' Clerico, assignato ejusdem
 ' *Julianæ*. qui eidem *Julianæ*
 ' in præfatâ Curiâ, &c. coram,
 ' &c. adjudicati fuere pro dam-
 ' nis suis, quæ prædicta *Juliana*
 ' habuit occasione detenti-
 ' onis debiti prædicti, et quod,
 ' &c. scire faciat justituario hic,
 ' &c. a die sancti *Johannis*
 ' *Baptistæ* in quindecim dies,
 ' ubicunque, &c. Postea ad
 ' diem illum vicecomes mandat,
 ' quod præceptum fuit Majori
 ' et Ballivis civitatis *Corke*, qui
 ' sic respondent. *Walterus Reith*
 ' non habet bona seu Catalla
 ' unde pecunia in brevi conten-
 ' ta levare potest. Ideo ad in-
 ' stantiam querentis præceptum
 ' fuit vicecomiti quod liberari
 ' faceret prædictæ *Julianæ* om-
 ' nia mobilia prædicti *Walteri*,
 ' exceptis bobus et asinis de
 ' carucâ; et pro residuo, si
 ' quid fuerit, habendo, habere
 ' faceret eidem *Julianæ* me-
 ' dietatem terræ et tenementor-
 ' um prædicti *Walteri* per
 ' rationabile extentum, tenen-
 ' dam ut liberum tenementum,
 ' quousque, &c. juxta formam
 ' statuti; &c. Provisio tamen,
 ' quod inde habere faceret *Jo-*
 ' *banni* de *Patrick-Church*, As-
 ' signato, &c. Et quod, &c.
 ' scire faceret, &c. a die sancti
 ' *Michaelis* in quindecim dies
 ' ubicunque, &c.

commanded, that he levy 40s.
 out of the lands and chattles of
 the said *Walter*, and without
 delay deliver them over to *John*
 of *Patrick's Church* clerk, As-
 signee of the said *Juliana*, which
 were adjudged to the said *Juliana*
 in the said court, &c. be-
 fore, &c. for the damages,
 which the said *Juliana* suffered
 on occasion of the detention of
 the said debt. And that he
 should make a return of what
 he did to the justice here on
 the quindene of *John the Bap-*
tist, wheresoever &c. After-
 wards on the said day the Sher-
 riff returned, that he issued a
 precept to the mayor and bay-
 liffs of the city of *Carke*, who
 answered thus; *Walter Reith*
 hath not goods or chattles,
 from whence the money mentio-
 ned in the said writ could be
 levied. Therefore at the in-
 stance of the plaintiff the sher-
 riff was commanded, that he
 should deliver into the possession
 of the said *Juliana* all the
 moveable effects of the said
Walter, except the oxen and
 beasts of the plow, and for the
 residue, if any remained, that
 he should give possession to the
 said *Juliana* of the moiety of
 the lands and tenements of the
 said *Walter* by a reasonable ex-
 tent, to hold as a Freehold un-
 til, &c. According to the form
 of the statute, &c. provided
 nevertheless that he deliver
 thereout to *John de Patrick*
Church, assignee, &c. and that,
 &c. he should return what he
 should do, &c. on the quindene
 of St. *Michael*, whereupon, &c.

Anno 3 *Edw.*
2 *Rot.* 66. in
Turri Berni.

Placita querelarum apud *Cassel* coram Justiciario ad placita Justiciarum *Hiberniæ* sequentia, habenda et terminanda assignato, die lunæ proximæ post festum Sancti Ambrosii, anno Regni Regis *Edwardi* filii Regis tertio.

Tipperary scilicet *Thomas Leinagh*, et *Walterus le Bret* attachiati fuere ad respondendum Fratri *Willielmo Rosi*, Priori Hospitalis sancti *Johannis Jerusalem* in *Hibernia*, de eo quod reddant ei octo marcas. Et idem Prior inde profert literas prædictorum *Thomas* et *Walteri*. Et prædicti *Thomas* et *Walterus* venerunt, et non possunt hoc dedicere. Ideo consideratum est, quod prædictus Prior recuperet versus præfatos *Thomam* et *Walterum* prædictam pecuniam, et damna, quæ taxantur ad viginti solidos; et prædicti *Thomas* et *Walterus* in misericordiâ pro injustâ detentione. Postea prædictus Prior petit sibi liberari medietatem omnium bonorum, terrarum, et tenementorum prædictorum *Thomas* et *Walteri*, juxta formam statuti, Tenendam nomine liberi tenementi, &c. et præceptum est vicecomiti, &c.

Communia Placita coram *Willielmo de Burgo*, tenente locum Justiciarii *Hiberniæ*, de octavis Sancti *Hillarii*, Anno Regni Regis *Edwardi*, filii Regis *Edwardi*, secundo.

Pleas of causes held at *Cassel* before the justice assigned by the Lord justice of *Ireland* to hear and determine on the Monday next after the feast of *St. Ambrose* in the 3d year of the Reign of King *Edward*, son to the King.

Tipperary scilicet *Thomas Leinagh* and *Walter le Bret* were attached to answer Frier *William de Ros*, Prior of the hospital of *St. John of Jerusalem* in *Ireland*, for that they should render to him eight marks; and the said Prior produces thereupon the deed of the said *Thomas* and *Walter*. And the said *Thomas* and *Walter* appeared, and could not gainsay it. Therefore it was adjudged; that the said Prior should recover against the said *Thomas* and *Walter* the said sum, and the damages, which were taxed at 20s; and that the said *Thomas* and *Walter* should be amerced for the unjust detention thereof. Afterwards the said Prior demanded, that the moiety of all the goods, lands, and tenements of the said *Walter* and *Thomas* should be delivered to him, according to the form of the statute, to hold as his Freehold, &c. and the sheriff was commanded, &c.

Common pleas held at *Cassel* on the octaves of *St. Hillary*, in the second year of the reign of King *Edw.* son of King *Edward*. 2.

Tipperary,

Tipperary fs. 'Præceptum fuit
 vicecomiti, quod de terris et
 Catallis, quæ fuere *Walteri*
Dormer in Craſtino Epiphaniæ
 Domini, Anno Regni Regis
Edwardi, patris Domini Re-
 gis nunc 33^o, ad quoruncun-
 que manus devenerunt in Bal-
 livâ ſuâ, fieri faceret quadra-
 ginta libras, et illas ſine dila-
 tione habere faciat *David le*
Blount, quas idem *Walterus*
 in Curia Domini Regis Patris,
 &c. coram *Edmundo le Botil-*
ler, tunc tenente locum *Jo-*
bannis Wogan, Juſticiarii *Hi-*
bernæ apud *Caſſel*, cognovit
 ſe debere prædicto *David*, et
 quas ei reddidiſſe debuit in
 prædicto Craſtino Epiphaniæ,
 et non, &c. Et ſi terræ et
 Catalla prædicti *Walteri* in
 Ballivâ ſuâ ad hoc non ſuffi-
 cient, tunc id, quod inde de-
 fuerit, de terris et catallis,
 quæ fuere *Willielmi Dormer*,
 Plegii prædicti *Walteri*, de
 debitis prædictis, die et Anno
 prædictis, ad quoruncunque
 manus devenerunt in Ballivâ
 ſuâ, fieri faciat, et prædicto
David ſine dilatione habere
 faciat. Et quid, &c. fieri fa-
 ceret, &c. a die Sancti *Micha-*
elis proximè præterito in quin-
 decim dies, ubicunque, &c.
 Ad quem diem vicecomes
 mandat *Willielmo de Burgo*,
 Tenenti locum *Johannis Wo-*
gan, Juſticiarii, &c. quod *Wal-*
terus Dormer non habet bona
 nec Catalla in Ballivâ ſuâ, un-
 de debitum prædictum fieri
 poteſt, ſed terræ et tenemen-
 ta, quæ fuere dicti *Walteri*,
 devenere ad manum *Edmundi*

le

Tipperary fs. A precept iſſued
 to the ſheriff, that he ſhould le-
 vy 40l. out of the lands and
 chattles, which belonged to *Wal-*
ter Dormer within his ballywick
 on the morrow of the epiphany
 of our Lord, in the 33^d year of
 the Reign of King *Edward*, fa-
 ther of the King that now is, in-
 to whoſe ever hands they were
 come, and to deliver the ſaid
 ſum without delay unto *David*
le Blount, which the ſaid *Wal-*
ter acknowledged to be indebt-
 ed to the ſaid *David* in the
 Court of our Lord the King, Fa-
 ther to the King that now is,
 held at *Caſſel* before *Edmund*
le Botiller, then lieutenant to
John Wogan Lord Juſtice of *Ire-*
land, and which he ought to
 have rendered to him on the ſaid
 morrow of the Epiphany, and
 did not. And if the lands and
 chattles of the ſaid *Walter* with-
 in his Ballywick ſhould not be
 ſufficient for this, then that
 whatever ſhould be deficient
 thereout, that he ſhould cauſe to
 be levied out of the lands and
 chattles of *William Dormer*,
 pledge for the ſaid *Walter* for
 the debt on the day and year
 aforeſaid, to whoſe ever hands
 they came within his ballywick,
 and without delay deliver them
 over to the ſaid *David*. And
 what, &c. ſhould levy, &c. on
 the quindene of St. *Michael* laſt
 paſt, whereſoever, &c. At which
 day the ſheriff returned to *Wil-*
liam de Burgo, Lieutenant to
John Wogan, Lord Juſtice, that
Walter Dormer has not goods
 nor chattles, out of which the
 ſaid debt could be levied, but

F 4

that

' *le Botiller*, quæ jacent frisca
 ' et inculta, ita quod nihil inde
 ' fieri potest; et quod *Williel-*
 ' *mus Dormer* non habet bona
 ' nec catalla in Ballivâ suâ, unde
 ' debitum prædictum fieri
 ' potest, nisi terras vastas. Et
 ' super hoc prædictus *David*
 ' venit in præfatâ curiâ, coram
 ' præfato *Willielmo de Burgo*, et
 ' elegit sibi liberari medietatem
 ' omnium terrarum et tenemen-
 ' torum quæ fuere prædictorum
 ' *Walteri et Willielmi* die et an-
 ' no supradicto, ad quorumcun-
 ' que manus, &c. tenendam
 ' nomine liberi tenementi, quous-
 ' que, &c. per formam statuti.
 ' Ideo præceptum fuit Viceco-
 ' miti, quod omnes terras et te-
 ' nementa, quæ fuere prædicto-
 ' rum *Walteri et Willielmi* die
 ' et anno supradicto, et etiam
 ' omnes terras et tenementa,
 ' quæ prædicti *Walterus et Wil-*
 ' *lielmus* postea adquisiverunt,
 ' ad quorumcunque manus de-
 ' venerunt in Ballivâ suâ, ex-
 ' tendi, et medietatem terrarum
 ' et tenementorum prædictorum
 ' per rationabile extantum libe-
 ' rari faciat prædicto *David* te-
 ' nendam nomine liberi tene-
 ' menti, quousque prædictas
 ' quadraginta libras inde leva-
 ' verit, juxta formam statuti
 ' prædicti: et quid, &c. scire
 ' faciat Curiz hic, a die Sancti
 ' Martini proximè in quinde-
 ' cim dies ubicunque, &c. Ad
 ' quem diem vicecomes mandat
 ' quoddam extantum, quod de
 ' terris et tenementis prædicto-
 ' rum *Walteri et Willielmi Dor-*
 ' *mer* fieri feci Curiz hic, &c.

in

that the lands and tenements,
 which were the said *Walter's*,
 came to the hands of *Edmund*
Botiller, which lie waste and
 uncultivated, so that nothing
 could be levied out of them, and
 that *William Dormer* has not
 goods or chattles within his bal-
 lywick, from whence the said
 debt could be levied, except
 waste lands. And hereupon the
 said *David* came into the said
 court before the said *William de*
Burgo, and made his election to
 have delivered to him the moiety
 of all the lands and tene-
 ments, which were the proper-
 ty of the said *Walter* and *Wil-*
liam on the day and year afore-
 said, into whose ever hands, &c.
 to hold as his freehold, until,
 &c. according to the form of
 the statute, &c. Therefore the
 Sheriff was commanded to ex-
 tend all the lands and tenements
 within his ballywick, which be-
 longed to the said *Walter* and
William on the day and year a-
 foresaid, and also all the lands
 and tenements, which the said
Walter and *William* afterwards
 acquired, into whose ever hands
 they had come, and to deliver
 the moiety of the said lands and
 tenements by a reasonable ex-
 tent to the said *David*, to hold
 as his freehold, until he levied
 thereout the said forty pounds,
 according to the form of the
 said statute. And what, &c. he
 should make a return to the
 Court here on the quindene of
 St. *Martin*, wheresoever, &c.
 On which day the sheriff re-
 turned an extant, which he had
 made

* in hæc verba. Extentum ter-
 * rarum et tenementorum *Wal-*
 * * *teri Dormer & Willielmi Dor-*
 * * *mer* factum coram Fulcone de
 * *Fraxineto*, Vicecomite *Tippe-*
 * * *rary*, apud *Ballynewier*, die
 * sabbati proxime ante Festum
 * Sancti Martini, Anno Regni
 * Regis *Edwardi* 2^o. per sub-
 * * scriptos, viz. *Alex. Stoke*, &c.
 * qui jurati dicunt, &c. And so
 * finds the Lands whereof the
 * said *Walter* and *William* were
 * seized, and the yearly value of
 * them: and at the end of the
 * extent there are these words.—
 * Memorandum, quod prædic-
 * tus *David* oneratur de omni-
 * bus servitiis, quæ ad medieta-
 * tem suam pertinent, pro eo
 * quod idem *David* habet ple-
 * nam medietatem terrarum et
 * tenementorum prædictorum.*

made of the lands and tene-
 ments of the said *Walter* and
William to the court here, &c.
 in these words.— An extent
 made of the lands and tene-
 ments of *Walter Dormer* and
William Dormer by *Fulco Asb*,
 sheriff of *Tipperary*, at *Ballyne-*
wier, on the saturday next be-
 fore the feast of St. *Martin*, in
 the second year of the Reign of
 King *Edward*, by the following
 persons, namely; *Alexander*
Stoke, &c. which jury say, &c.
 and so they find the lands,
 whereof the said *Walter* and
William were seized, and the
 yearly value of them. And at
 the end of the extent are these
 words.—Memorandum, that
 the said *David* is charged for
 all the services, which belong to
 his moiety, because that the said
David has the full moiety of
 the lands and tenements afore-
 said,

In the 28th of *Edw. 1.* Roll 6. in *Bermingham* tower, the
 like execution by elegit is granted against *Richard*, the Son
 of *Hugh Tirrel*, to *Guido Cockerell*.

* Memorandum, quod ad in-
 * stantiam *Nigello le Brun* per
 * præceptum *Theſaurarii* charta
 * subscripta fuit hic irrotulata in
 * formâ quæ sequitur.

* Universis, *Nicholas Dillon*,
 * Dominus de *Dromlaghin*, sa-
 * lutem. Cum nuper *Thomas* de
 * *Pinkeſton* in Curia Domini Re-
 * gis coram *Johanne Wogan*,
 * Justiciario *Hiberniæ*, recuper-
 * asset versus me, & similiter
 * versus *Walterum*, *Thomam*, et
 * *Hugonem Madock*, et alios, in
 * quodam

Memorandum, that at the in- In Scaccario
 stance of *Nigel le Brun*, by com- Anno 2. *Edw.*
 mand of the Treasurer, the un- 2. Rot. 9.
 dernamed deed was inrolled here pro *Nigello*
 in the following form. le Brun.

To all, &c. *Nicholas Dillon*,
 Lord of *Dromlaghin*, greeting.
 Whereas *Thomas Pinkeſton* late-
 ly recovered in the Court of our
 Lord the King before *John Wo-*
gan, Justice of Ireland, against
 me, and against *Walter*, *Thomas*,
 and *Hugh Madock*, and others,
 in a writ of trespass, which the
 said

quodam brevi de transgressionem
 quod prædictus *Thomas* coram
 præfato Justiciario versus nos
 tulit, viginti et unam libras
 argenti pro damnis suis, quæ
 sustinuit occasione quarundam
 transgressionum, eidem *Thomæ*
 per prædictum *Walterum* et
Hugonem & me illatarum, prout
 per quandam Juratam patriæ
 indè inter nos in præfata Cu-
 riâ captam convicti fuimus,
 per quod ad sextam ejusdem
Thomæ medietas omnium ter-
 rarum et tenementorum meo-
 rum in prædictâ villâ de *Drom-*
laghin per breve Domini Re-
 gis extendebatur, et per idem
 extentum eidem *Thomæ* libe-
 rata fuit, tenenda secundum
 formam statuti inde provisi,
 quousque prædictas viginti et
 unam libras plenariè inde le-
 vaverit. Ac idem *Thomas* pos-
 tea per conventionem inde
 inter ipsum et *Nigellum le Brun*
 factam, medietatem terrarum
 et tenementorum meorum præ-
 dictorum eidem *Nigello le*
Brun demiserit, tenendam in
 formâ prædictâ quousque idem
Nigellus prædictam pecuniam
 plenariè inde levaverit. Ego
 prædictus *Nicholaus* medietate
 terrarum & tenementorum
 meorum prædictorum ab
 eodem *Nigello* accepi ad firmam
 tenendam ad terminum
 decem annorum reddendo in-
 de 6 marcas, &c.

said *Thomas* brought against us
 before the said Justice, the sum
 of 21 pounds of Silver, for the
 damages which he sustained by
 reason of certain trespasses com-
 mitted on the said *Thomas* by
 the said *Walter*, *Hugh*, and me,
 as we were found guilty by a
 Jury for that purpose impanel-
 led between us in the said
 Court: by which at the suit of
 the said *Thomas* the moiety of
 all my lands and tenements in
 the said town of *Dromlaghin*
 were extended by the King's
 writ, and by the same extent
 delivered to the said *Thomas*, to
 hold according to the form of
 the statute in that case provid-
 ed, until thereout he should ful-
 ly levy the said 21l. And the
 said *Thomas* afterwards by a
 agreement made between him
 and *Nigel le Brun* demised the
 moiety of my lands and tene-
 ments afore said to the said *Ni-*
gel le Brun, to hold in the form
 afore said, until the said *Nigel*
 should thereout fully levy the
 said money. I the said *Nicholas*
 have received the moiety of my
 said lands and tenements afore-
 said from the said *Nigel* in farm,
 to hold for the term of ten
 years, rendering thereout 6
 marks, &c.

That the statutes of *Merton* and of *Westminster* 2. Chap.
 25. were received in *Ireland*, and there put in execution ap-
 pears by this Record following.

Adhuc

Adhuc de Communibus Placitis apud *Dublin* coram *Jobanne Wogan* capitali Justiciario *Hiberniæ* de 150 Nativitatis *St. Johannis Baptistæ* Anno Regni Regis *Edwardi* 28.

Kildare, fs. "*Jobannes Mariet*, et *Maria* uxor ejus, per Attornatum suum obtulerunt se 40. die versus *Gilbertum de Panner*, et *Simeonem Clements*, de placito, quare cum custodia & maritagium *Thomæ de la Bere*, consanguineum & hæredem *Roberti de la Bere*. ad ipsos *Jobannem* & *Mariam* post mortem prædicti *Roberti* pertinere deberent, eo quod idem *Robertus* terram suam de eisdem *Jobanne* & *Mariâ* tenuit per servitium Militare; prædictus tamen *Gilbertus* & *Simon* post mortem prædicti *Roberti* ipsum hæredem infra ætatem existentem ceperunt & abduxerunt, sine licentiâ et voluntate prædicti *Johannis* et *Mariæ*, et maritaverunt, ad grave damnum ipsius *Johannis* et *Mariæ*, et contra formam statuti de Comuni Consilio Regni, &c. inde provisi. Et ipsi non venere, Ideo ipsi in misericordiâ. Et habuere diem hic ad hunc diem præceptum, &c. Ideo præceptum est Vicecomiti, quod distringat eos per omnes terras, &c. et quod de exitibus, &c. Ita quod habeat corpora eorum, &c. a die sancti *Michaelis* in 15 dies, &c."

As yet of the Common Pleas *Ann* 28 *Ed.* held at *Dublin* before *John Wogan*, chief Justice of *Ireland*, of the quindene of the Nativity of *St. John* the Baptist in the 28th year of King *Edward*.
1. rot. 25. in tur. Ber-
ming.

Kildare, fs. *John Mariet*, and *Mary* his wife, appeared by their Attorney on the 4th day against *Gilbert de Panner*, and *Simon Clements*, in a plea, that whereas the wardship and marriage of *Thomas de la Bere*, Cousin and heir of *Robert de la Bere*, ought to belong to the said *John* and *Mary* after the death of the said *Robert*, because the said *Robert* held his land of the said *John* and *Mary* by Knight's service, nevertheless the said *Gilbert* and *Simon*, after the death of the said *Robert*, took the said heir, being within age, into their custody, and carried him away, without the licence and will of the said *John* and *Mary*, and married him, to the great damage of the said *John* and *Mary*, and against the form of the statute by the Common Council of the Kingdom, &c. in that case provided. And they did not appear. Therefore they were amerced. And they had time given them to this day on the motion of the parties, &c. Therefore a precept issued to the Sheriff, commanding him to distrain them by all their lands, &c. And that out of the issues, &c. so that he have their bodies, &c. on the quindene of *St. Michael*, &c.

The statute of *Westminster* 2. made 13th *Edw.* 1. concerning appeals, and for the malicious abetting of those, which bring appeals, is an introductory law, as appears by *Coke's* second Institute upon that chapter, which yet was executed in *Ireland* in the time of *Edw.* 1. as appears by this Record following.

Anno 28 *Ed.* 1. in Ber-
ming. tower. ‘ *Affisa et Jurata capta apud*
‘ *Cassel coram Johanne Wogan,*
‘ *capitali Justiciario. Hiberniæ,*
‘ *die Sabbati in crastino Nativi-*
‘ *tatis Johannis Baptistæ, Anno*
‘ *Regni Regis Edw. 28.*

‘ *Alias et nunc similiter con-*
‘ *victi sunt per Juratam, in qua*
‘ *Robertus Wodloke, Walterus le*
‘ *Bret, Richardus Lockard, &c*
‘ *Willielmus de la Sale se posu-*
‘ *erunt, tam ad festam Regis,*
‘ *quam ad festam Thomæ de St.*
‘ *John, nuper Vicecomitis Tip-*
‘ *perary, quod prædictus Robe-*
‘ *rtus falsò et malitiosè appella-*
‘ *vit prædictum Thomam, dum*
‘ *fuit Vicecomes, de quâdam*
‘ *roberia, &c. de qua acquieta-*
‘ *tus est, sicut patet in rotulis*
‘ *de termino Sancti Michaelis*
‘ *Anno, &c. 26. per quod ap-*
‘ *pellum captus fuit, et arresta-*
‘ *tus, et malo modo tractatus,*
‘ *et indebitè gravatus; et præ-*
‘ *dicti Walterus et Richardus ip-*
‘ *sùm ad hoc malitiosè abbeta-*
‘ *verunt, et prædictum appel-*
‘ *lum malitiosè sustentaverunt.*
‘ *Et prædictus Willielmus, qui*
‘ *tunc fuit Coronator, &c. in-*
‘ *scius Juris, per prædictum ap-*
‘ *pellum ipsum cepit et arresta-*
‘ *vit in pleno comitatu, sed non*
‘ *abbettavit ipsum ad prædic-*
‘ *tum appellum faciendum vel*
‘ *prose-*

At an Assize and Jury sum-
moned at *Cassell* before *John*
Wogan, chief Justice of *Ire-*
land, on *Saturday*, the morrow
of the Nativity of Saint *John*
Baptist, in the 28th year of King
Edward.

At another time, and now
also, were found guilty by a Ju-
ry, in which *Robert Wodloke,*
Walter le Bret, Richard Lock-
ard, and William de la Sale, ap-
peared, as well at the suit of the
King, as at the suit of *Thomas*
St. John, late Sheriff of *Tippera-*
ry, that the said *Robert* falsly
and maliciously appealed the
said *Thomas*, while he was Sher-
iff, of a robbery, &c. of which
he was acquitted, as appears in
the rolls of *Michaelmas* term in
the 26th year of the King; up-
on which appeal he was taken,
and arrested, and evilly treated,
and unduly oppressed; and the
said *Walter* and *Richard* mali-
ciously abetted him in this, and
maliciously supported the said
appeal. And the said *William*,
who was then Coroner, &c. be-
ing ignorant of the law, took
and arrested him in full county,
but did not abett him in the
prosecution of the said appeal.
Whereupon the Court taking
the matter into consideration,
according to the form of the
statute,

prosequendum; per quod habito advisamento Curie juxta formam statuti, &c. consideratum est, quod prædictus *Thomas* recuperet versus prædictum *Robertum* 200 marcas, pro Damnis suis, quæ habuit occasione prædictâ, et si prædictus *Robertus* ad hoc non sufficiat, tunc eorundem, quod inde defuerit, recuperet versus prædictum *Walterum* & *Richardum*, & *Robertus*, *Walterus* et *Richardus* committentur gaolæ juxta formam statuti &c. et prædictus *Willielmus*, pro eo quod cepit prædictum *Thomam* Vicecomitem, &c. sine warrantiâ similiter committeretur gaolæ. Postea prædictus *Willielmus* fecit finem per centum solidos per plegium *Nichelai Leynagh*, et *Roberti de Keating Militis*, *Radhulphi de Kendise*, & *Walteri Molock*.

statute, &c. adjudged, that the said *Thomas* should recover against the said *Robert* 200 marks for the damages he sustained on the said occasion; and if the said *Robert* should not be sufficient to pay the same, then as to what should be defective, he should recover against the said *Walter*, and *Richard*, and the said *Robert*, *Walter* and *Richard*, should be committed to goal, according to the statute, &c. And the said *William*, because he arrested the said *Thomas*, then Sheriff, &c. without warrant, should be also committed to prison. Afterwards the said *William* paid a fine of a 100 shillings by his pledges, *Nicholas Leynagh*, and *Robert Keating* Knight, *Ralph de Kendise*, and *Walter Molock*.

The statute of *Westminster* 2. Chap. 25. which gives a writ of Affize in many cases, where it was not before, gives that writ where a lessee for years makes a feofment. in which both Feoffer and Feoffee should be accounted Disseisors; so that during the life of either of them the Affize will lye; which branch of that statute my Lord *Coke* (a) saith is in affirmation of the Common Law. Yet the Judges in *Ireland*, in the beginning of *Edw. 2.* time, take that statute to be an introductory law, and to be of force there as a statute law, which accordingly they executed, as by the Record ensuing appears.

Adhuc de Juratis et Affizes apud *Clonmell*, ex parte *Tipperariæ*, coram *David le Blound*, et *Willielmo de Bourne*, assignatis loco *Johannis Wogan*, Justiciarii *Hiberniæ*, ali-

As yet of Juries and Affizes at *Clonmel*, in the county of *Tipperary*, before *David le Blound*, and *William de Bourne*, substituted in the room of *John Wogan*, Justice of *Ireland*, otherwise

• bi pro arduis negotiis Domini
 • Regis agentis, die Veneris
 • proximè post festum S. *Valen-*
 • *tini* Martiris, Anno Regni Re-
 • gis *Edwardi* 2^{di}. 3^o.

Tipperary, fs. 'Assiza venit
 • recognitura, si *Johannes*, filius
 • *Thome*, injustè, &c. disseisivit
 • *Philippum* Bacon de libero te-
 • nemento suo in *Langston*, post-
 • quam, &c. et inde queritur,
 • quod disseisivit eum de uno
 • messuagio, 160 acris terrarum,
 • tribus acris prati, et 10 acris
 • bruerorum, cum pertinentiis,
 • &c. Et prædictus *Johannes*
 • non venit, nec habet ballium :
 • Ideo capiatur assisa versus eum
 • pro ejus default. Juratores
 • dicunt super sacramentum su-
 • um, quod prædictus *Philippus*
 • dimisit prædicta tenementa cui-
 • dam *Waltero Martell* defunc-
 • to ad terminum annorum, et
 • ideum *Walterus* infra termi-
 • num prædictum dimisit præ-
 • dicta tenementa prædicto *Jo-*
 • *hanni* in feodo. Ideo habito
 • respectu ad statutum Domini
 • *Edwardi* Regis, Patris Domi-
 • ni Regis nunc, in quo contine-
 • tur, quod in hujusmodi casu,
 • vivente altero eorum, locum
 • habeat Assisa novæ disseisinæ,
 • consideratum est, quod præ-
 • dictus *Philippus* recuperet ver-
 • sus ipsum *Johannem* seisinam
 • suam de prædictis tenementis,
 • cum pertinentiis per visum re-
 • cognitorum, et damna sua, quæ
 • taxantur per eandem Assisam
 • ad decem marcas, et prædic-
 • tus *Johannes* in misericordiâ.

wife employed upon the ardu-
 ous affairs of our Lord the
 King, on the *Friday* next after
 the feast of St. *Valentine* the
 Martyr, in the 3d year of King
Edward the 2d.

Tipperary, fs. An Assize ap-
 peared to find, whether *John*
Fitz-Thomas, &c. unjustly dis-
 seised *Philip* Bacon of his free
 tenement in *Langston*, after, &c.
 and of which he complains,
 that he disseised him of one
 messuage, 160 acres of land, 3
 acres of meadow, and 10 acres
 of furze, with the appurtenan-
 ces, &c. And the said *John*
 did not appear, nor give bail ;
 therefore it was adjudged, that
 the Assize should be taken a-
 gainst him for his default. The
 Jury say upon their Oaths, that
 the said *Philip* demised the said
 tenements to one *Walter Mar-*
te'll deceased for a term of
 years, and the said *Walter*, be-
 fore the expiration of the said
 term, demised the said tene-
 ments to the said *John* in fee.
 Therefore upon consideration of
 the statute of King *Edward*,
 Father of the King that now is,
 which provides, that in such
 case, in the life of either of
 them, the Assize of novel Dis-
 seisin shall take place, it is ad-
 judged, that the said *Philip* shall
 recover against the said *John*
 his Seisin of the said tenements,
 with the appurtenances, by view
 of the recognitors of Assize, and
 his damages, which are taxed
 by the said Assize at 10 marks,
 and the said *John* was amerced.

It appears by a Record, (b) that an appeal was brought in (b) 6. Edw. the county of *Limerick* before the Sheriff and Coroner by ^{2. rot. tur. Berming.} *John Harold*, against *Hugh de Burgo*. for the death of *Richard Harold*, his Son, and against *Philip Comin*, as necessary, upon which they were both outlawed at the same time; upon which the said *Philip* brought his writ of error; whereupon saith the Record, (the proceedings before the Coroner being long I omit to recite)

Et ad sectam prædicti *Philippi*, filii *Philippi Comin* querentis, quod in appello prædicto error intervenit manifestus, quia prædictus *Johannis Harold* præmunitus non venit, et prædictus *Philippus* queritur, quod comitatus erravit in eo quod continetur in statuto Domini *Edwardi Regis*, Patris Domini Regis nunc *Westminster* primo, quod Appellans primo die attachiet Appellum suum tam versus Appellatum de facto, quam versus Appellatum de vi, auxilio, aut receptamento, sed cesset exigendum et utlagaria versus Appellatum de vi, auxilio, aut receptamento, quousque Appellatus de facto fuerit convictus. Comitatus vero uno eodemque die, scilicet primo die quo prædictus *Johannes* attachiavit se ad prosequendum Appellum prædictum, exigi fecit prædictum *Philippum*, et per illud exigendum utlagatus fuit, et ad quartum comitatum tunc sequentem, ubi ipse *Philippus* Appellatus fuit de vi et auxilio, &c. Et similiter comitatus

And at the suit of the said *Philip Fitz-Philip Comin*, the Appellant, that in the said Appeal a manifest error intervenes; for that the said *John Harold*, being summoned, did not appear; and the said *Philip* complains, that the county erred, for that it is contained in the statute of King *Edward*, Father to the King that now is, *Westminster* 1st. [3d of Edw. 1. Chap. 14.] that the Appellant shall the first day attach his Appeal as well against the Appellee in fact, as against the Appellee by force, aid, or receipt; but that the exigent and appeal shall stop against the Appellee by force, aid, or receipt, until the Appellee for the fact be attained. But the county on one and the same day, namely, on the first day on which the said *John* attached himself to prosecute his said Appeal, caused the said *Philip* to be put on the exigent, and he was outlawed upon that exigent, and on the fourth county day then following, where the said *Philip* was appealed of force and aid, &c. And in like manner the county erred

* comitatus erravit in eo, quod
 * consideratum fuit prædictum
 * exigendum versus eum primo
 * die, quo prædictus *Jobannes*
 * attachiavit se ad prosequen-
 * dum Appellum prædictum;
 * absque hoc, quod prius præ-
 * ceptum fuisset attachiari præ-
 * dictum *Philippum*, prout moris
 * est, et petit errores prædictos
 * corrigi, et sibi justitiam exhi-
 * beri, &c. Et prædictus *Jo-*
 * * *bannes* non potest hoc dedi-
 * cere; Ideo consideratum est,
 * quod prædictum Appellum ir-
 * ritetur et annulletur, et utla-
 * garia in personam prædicti
 * * *Philippi* ea occasione promul-
 * gata tanquam erronea, pro
 * nullo habeatur, et comitatus
 * pro falso judicio in misericor-
 * dia."

erred in this, that the said exi-
 gent against him was adjudged
 the first day, on which the said
John attached himself to prose-
 cute the said Appeal: With-
 out that the precept first issued
 for attaching the said *Philip*,
 as the custom is, and he de-
 manded that the said errors
 should be amended, and that
 he should have justice, &c.
 And the said *John* could not
 deny this; therefore it was ad-
 judged, that the said Appeal
 should be disannulled and made
 void, and the outlawry against
 the person of the said *Philip*
 proclaimed upon that occasion
 should, as erroneous, be taken
 for nothing, and the county
 amerced for their false judg-
 ment.

(c) 2. Instit.

Although *Coke* (c) upon this chapter says, that this is a
 declaratory law, and so of the statute of *Westminster* 2. chap-
 25, upon which the former Record hath been cited; yet
 the only end of citing these Records being to prove, that
 the Laws of *England* were received and executed in *Ireland*
 before they were there confirmed by Parliament, nothing
 can more plainly prove this point (if there were no other but
 only these) than these two last mentioned Records, by which
 it is most apparent, that the statutes of *Westminster* 1. and
Westminster 2. were there in force, and executed, before
 any such statutes of confirmation were made in *Ireland*, as
 the Author talks of.

The Author saith, that such statutes as have been made
 in *England* since the 12th of King *John*, as are positive, or
 any ways altering or adding to the Common Law, were not
 of force in *Ireland*, till they were enacted in *Ireland* by
 Parliament. Let us therefore yet see further his mistakings.

The statute of *Westminster* 2. chap. 36. made 13th of
Edw. 1. which provides against Seneschalls, Lords of Courts,
 &c. which procure any to sue in their Courts Barons,
 County

County Courts, &c. or whereby the subject is vexed, and molested by such procurement, or maintenance, adds a greater punishment for the delinquent, than was at Common Law, and gives treble damages, where before the Common Law gave but single damages, and that the party offending shall be ransomed at the King's suit, as appears in *Coke*. (d) And this law was executed in *Ireland* before any (d) 2. Instit. statute was made there to confirm it; as appears by the following Record.

Adhuc de Placitis querelarum apud *Cork* coram *Johanne Wogan*, Justiciario *Hiberniæ*, die lunæ proximè post festum Sancti Gregorii Papæ anno 3^o *Edw*, 2di.

Cork. ss. Convictus est per Juratam, in qua *Nicholaus* filius *Galsfridi* querens, et *Mauritius le Archdekin* Miles se posuere. Quod cum diversæ dissensiones et discordiæ a diu ortæ fuissent inter prædictum *Mauritium* et *Nicholaum*, dictus *Mauritius*, Seneschallus terrarum *Mauritii de Carew de Castlecorth*, causâ vindictæ capiendæ de prædicto *Nicholao*, ipsum *Nicholaum* Malitiosè per graves districtiones, et alias vexationes, &c venire facit sapisimè ad Curiam dicti *Mauritii de Carew*, ubi nulla querela per aliquam partem de eo querente in eadem Curia habebatur, et similiter sæpe procuravit alias diversos homines conqueri de prædicto *Nicholao*, et falsas querelas versus ipsum excitare in Curia prædicta *Mauritii de Carew*, ubi ipse *Nicholaus* nullam transgressio-

nem

As yet of Pleas of the Crown at *Cork* before *John Wogan*, Justice of *Ireland*, on Monday next after the feast of Saint Gregory the Pope, in the 3d year of Edward the 2d.

Cork. ss. He was found guilty by a Jury, in which *Nicholas Fitz-Ceffry* Plaintiff, and *Maurice le Archdekin* Knight appeared, That whereas divers dissensions and discords had for a long time arisen between the said *Maurice* and *Nicholas*, the said *Maurice*, Seneschal of the lands of *Maurice de Carew of Castlecorth*, in order to take revenge of the said *Nicholas*, maliciously caused the said *Nicholas* by grievous distresses, and other vexations, very often to appear at the Court of the said *Maurice de Carew*, where no complaint was by any person alledged against him; and likewise often procured divers other men to complain of the said *Nicholas*, and to move false complaints against him in the said Court of *Maurice de Carew*; whereas the said *Nicholas* committed no trespass, nor was obliged in any debt: for which

G

cause

Anno 3^o. Ed.
2. rot. 30.
in tur. Ber-
ming.

nem fecit, nec in aliquo de-
 bito tenebatur, per quod præ-
 dictus *Nicholaus* prædictum
Mauritium le Archdekin per
 breve Domini Regis de trans-
 gressione implacitavit coram
 Justiciario de Banco *Dublin*,
 coram quo per Juratam patri-
 triæ inter prædictum *Nicho-*
laum querentem, & prædic-
 tum *Mauritium le Archdekin*,
 prædictus *Mauritius le Arch-*
dekin convictus est, quod
 prædictum *Nicholaum* maliti-
 osè vexavit, et diversas inju-
 rias & gravamina ei intulit,
 ad grave damnum ipsius *Ni-*
cholai in 40 marcas: Quod
 quidem placitum inter ipsum
Nicholaum et *Mauritium* pla-
 citatum ad judicium, &c.
 adhuc pendet coram prædicto
 Justiciario de Banco *Dublin*,
 &c. Et quod prædictus
Mauritius Le Archdekin prop-
 ter injurias et gravamina præ-
 dicta, unde inter prædictum
Nicholaum et *Mauritium* sunt
 ad Judicium coram Justicia-
 rio de Banco, &c. eidem *Ni-*
cholao diversas et multiplices
 injustas et criminosas vexati-
 ones et gravamina intulit jam
 de novo in curia prædicti
Mauritii de Carew, sub co-
 lore *Ballivæ* suæ, &c. Et
 quod idem *Mauritius Le*
Archdekin malitiosè procura-
 vit diversos homines tam de
 Domino prædicti *Mauritii de*
Carew, quam de partibus ad-
 jacentibus, formare falsas
 querelas, et sequi versus præ-
 dictum *Nicholaum* in forma
 prædicta

cause the said *Nicholas* implead-
 ed the said *Maurice le Archde-*
kin by the King's writ of tres-
 pass before the Justice of the
 Bench at *Dublin*, before whom
 by a Jury of the country im-
 panelled between the said *Ni-*
cholas, the Plaintiff, and the
 said *Maurice le Archdekin*, the
 said *Maurice le Archdekin* was
 found guilty for maliciously
 vexing the said *Nicholas*, and
 for charging him with divers
 injuries and grievances, to the
 damage of the said *Nicholas* of
 40 marks: which suit implead-
 ed between the said *Nicholas*
 and *Maurice* to judgment, &c.
 yet depends before the said
 Justice of the Bench in *Dublin*,
 &c. And that the said *Maurice*
le Archdekin, since the said in-
 juries and grievances, which
 have proceeded as far as judg-
 ment between the said *Nicholas*
 and *Maurice* before the Justice
 of the Bench, &c. has now of
 late brought on the said *Nicho-*
las divers and manifold unjust
 and malicious vexations and
 grievances in the Court of the
 said *Maurice de Carew*, under
 colour of his Bailiwick, &c.
 and that the said *Maurice le*
Archdekin maliciously procured
 divers men, as well out of the
 Lordship of the said *Maurice de*
Carew, as out of the parts ad-
 joining, to frame false com-
 plaints, and to prosecute them
 against the said *Nicholas*, in
 form aforesaid, before himself
 the said *Maurice le Archdekin*
 in the said Court of *Maurice de*
Carew

prædictâ coram ipso *Mauritio*
Le Archdekin in Curia præ-
 dicti *Mauritii de Carew* de
Castlecorith, ut sic iram et
 malam voluntatem suam ver-
 fus prædictum *Nicholaum* ne-
 quiter possit effundere, &c.
 per quod prædictus *Nicholaus*
 deterioratus est, et damnum
 habet ad valentiam decem
 Marcarum, præter damnum,
 quod prius sustinuit per pla-
 cita inter ipsos coram dicto
 Justiciario de Banco. Ideo
 consideratum est, quod præ-
 dictus *Nicholaus* recuperet
 versus prædictum *Mauritium*
 10 marcas, damna sua, quæ
 taxantur per Curiam in tri-
 plum juxta formam Statuti,
 &c. viz. 30 marcas: Sed li-
 ceat prædicto *Nicholao* recu-
 perare versus prædictum *Mau-
 ritium Le Archdekin* de pla-
 cito quod pendet coram præ-
 dicto Justiciario de Banco, et
 prædictus *Mauritius Le Arch-
 dekin* Committetur Gaolæ.
 Postea prædictus *Mauritius*
 fecit finem, prout patet in
 Rotulo Placitorum.

Carew of *Castlecorith*, that by
 that means he might lewdly
 pour out his revenge and evil
 will upon the said *Nicholas*, &c.
 by which the said *Nicholas* is
 damaged and injured to the va-
 lue of 10 Marks, besides the
 damage, which he before sus-
 tained by the Pleas between
 them before the said Justice of
 the Bench. Therefore it is
 adjudged, that the said *Nicho-
 las* should recover against the
 said *Maurice* 10 Marks for da-
 mages, which are taxed by the
 Court to treble as much ac-
 cording to the form of the sta-
 tute, &c. namely, to 30 Marks.
 Nevertheless, that it should be
 lawful for the said *Nicholas* to
 recover against the said *Maurice*
le Archdekin in the Suit which
 depends before the said Justice
 of the Bench; and the said
Maurice le Archdekin shall be
 committed to prison. After-
 wards the said *Maurice* was
 fined, as appears in the roll of
 Pleas.

The statute of *Aſton Burnell*, made 11 *Edw. 1.* wherein
Ireland is not named, and the statute of 13 *Edw. 1. de*
Mercatoribus, wherein *Ireland* is named, are both statutes,
 which doubtless the Author, and all others, will confess to
 be introductory statutes, and which do alter the Common
 Law; both which statutes were received and executed in
Ireland long before any statute was made there to confirm
 them, as by the ensuing records appears.

Anno 34. Adbuc de Communibus Pla-
 Edw. 1. rot- citis apud *Dublin*, coram Jo-
 26. in Berm- *hanne Wogan* Justiciario Hiber-
 Tower. niæ, 15^o. *Michael*, Anno Reg-
 ni Regis Edw. 34.

Anglia, fs. Dominus Rex
 mandavit breve suum hic,
 &c. in hæc verba. *Edwardus*,
 &c. dilecto & fideli suo Jo-
 hanni *Wogan*, Justiciario suo
Hiberniæ, vel ejus locum ten-
 nenti, salutem. Quia *Johan-
 nes de Burges*, aliquando
 Ballivus dilecti & fidelis nostri
Ostonis de Grandison in *Hi-
 berniâ*, coram *Radulpho de
 Sandewico*, nuper custode ci-
 vitatis nostræ *London*, & Jo-
 hanne de *Banquelle*, Clerico
 nostro ad recognitiones debi-
 torum in eadem civitate ac-
 cipiendas deputato, recogno-
 vit se debere prædicto *Ostoni*
 200*l*. unde ei solvisse debuit
 ad festum purificationis Beatæ
Mariæ, Anno Regni nostri
 19^o. quinquaginta *Marcas*, et
 ad festum nativitatis Sancti
Johannis Baptistæ proximè
 sequentem 50 *Marcas*, et sic
 de anno in annum, et termino
 in terminum proximè sequen-
 tem; ad eodẽ terminum quo-
 libet termino 50 *Marcas*,
 quousque prædictæ 200*l*. per-
 solutæ fuere, et eas ei nondum
 solvit, ut dicit. Vobis man-
 damus, sicut alias vobis man-
 davimus, quod omnes terras
 & tenementa, quæ fuere præ-
 dicti *Johannis* anno Regni
 nostri 13^o. quo anno prædic-
 tus debitor recognovit, ad
 quorumcunque manus in Bal-

As yet of the Common Pleas
 at *Dublin* before *John Wogan*,
 Justice of Ireland, on the *Quin-
 dene* of *St. Michael*, in the
 34th year of the reign of King
Edward.

Anglia, fs. The King sent
 his writ here in these words.
Edward, &c. to his beloved
 and faithful subject *John Wo-
 gan*, his Justice of Ireland, or
 to his deputy, greeting. Where-
 as *John de Burges*, sometime
 Bailiff of our beloved and faith-
 ful *Otto de Grandison* in Ire-
 land, before *Ralph de Sand-
 wich*, late keeper of our City
 of London, and *John de Ban-
 quelle*, deputed our Clerk for
 taking Recognizances of debts
 in the said City, acknowledged
 himself to be indebted to the
 said *Otto* in 200*l*. of which he
 ought to have paid him on the
 feast of the Purification of the
 Blessed Virgin *Mary*, in the
 19th year of our Reign, 50
 marks, and on the feast of the
 Nativity of *St. John the Bap-
 tist* next following, 50 marks,
 and so from year to year, and
 term to term next following the
 said feasts, at each term 50
 marks, until the said 200*l* was
 paid, and he has not yet paid
 him, as he says; we command
 you, to cause to be delivered
 to the said *Otto*, or his Assigns,
 by extent, and at a reasonable
 rate, all the lands and tene-
 ments which belonged to the
 said *John* in the 13th year of
 our reign, in which year the
 said debtor entered into the said

livā vestra devenerunt, per
 footinentum, aut alio modo,
 nisi terræ & tenementa illa ad
 hæredem ipsius *Johannis* in-
 fra ætatem existentem de-
 venerunt, per extantum et
 rationabile pretium deliberari
 facias prædicto *Ottoni*, vel
 suo Assignato, habenda no-
 mine liberi tenementi, secun-
 dum formam statuti nostri
 apud *Adon Burnell* et *West-*
monasterium de hujusmodi re-
 cognitionibus editi; quousque
 prædicto *Ottoni* de prædictis
 debitis plenariè fuisset satis-
 factum, simul cum damnis et
 Custagiis necessariis et ratio-
 nabilibus, ut in laboribus,
 sectis, dilationibus, & expen-
 sis. Et quid inde feceris scire
 facias nobis a die *S. Michaelis*
 in 15 dies ubicunque tunc
 fuerimus in *Angliā*. Et scia-
 tis, quod nisi hoc mandatum
 nostrum plenè exequi facias,
 graviter amerciaberis, et ha-
 beas ibi extantum inde fac-
 tum, et hoc breve. Teste
Richardo de Brabancon apud
Westmonasterium 14^o. die
 Maji, Anno Regni nostri
 300. ——— Prætextu cujus
 mandati Justiciarius hic, &c.
 processum et extantum inde
 factum in formā quæ sequitur,
 &c. Extantum factum apud
 Cassel die lune in festo Sancti
Jacobi Apostoli, Anno Regni
 Regis *Edwardi* 34^o. coram
Johanne Wogan, Justiciario
Hiberniæ, ad mandatum Do-
 mini Regis de terris & tene-
 mentis, quæ fuere *Johannis*
 de *Burgess*, aliquando Ballivi
Ottonis

said Recognizance, into whose
 ever hands in your Balliwick
 they have come either by Fe-
 offment or otherwise, unless the
 said lands and tenements have
 come to the heir of the said
John being under age; to hold
 to the said *Otto* as his freehold,
 according to the form of our
 statute made at *Adon Burnell*,
 and *Westminster*, concerning
 such Recognizances, until the
 said *Otto* be fully satisfied for
 the said debts, together with
 his necessary and reasonable
 costs and damages, namely in
 his labours, suits, delays, and
 expences. And whatever you
 do herein, you shall signify to
 us on the Quindene of *St. Mi-*
chael, where ever we shall then
 be in *England*. And know ye,
 that unless you cause this our
 Mandate to be fully executed,
 you shall be grievously amerced;
 and send there to us the extent
 you shall make thereon; and
 this Writ. Witness *Richard de*
Brabancon at *Westminster*, the
 14th day of *May*, in the 30th
 year of our Reign.—By means
 of which Mandate the Justice
 here, &c. the processe and ex-
 tent made thereon is the form
 following, &c. An extent made
 at *Cassel* on *Monday*, on the
 feast of *St. James* the Apostle,
 in the 34th year of the reign
 of King *Edward*, before *John*
Wogan, Justice of *Ireland*, by
 command of our Lord the King,
 of the lands and tenements of
John de Burgess, sometime Bal-
 liff of *Otto de Grandison* in the
 13th year of our Lord the
 King,

* *Otonis de Grandifono*, Anno
 * Regni Domini Regis 130. per
 * Juratam subscriptam (viz.)
 * *Johannem de London, Step-*
 * *hanum, &c.* (and so names the
 * rest) qui Juratures dicunt su-
 * per Sacramentum suum, quod
 * prædictus *Johannes de Bur-*
 * *gers* Anno Regni Regis 130.
 * habuit apud *Kilconnell* 100
 * Acres terrarum arrabilium,
 * quarum quælibet Acre valet
 * per Annum 4d. &c. and so
 the Record having mentioned
 many particular parcels of land,
 whereof the said *Burgess* was
 seized, and their yearly values,
 after saith, 'et breve prædic-
 tum indorsatum in formâ quæ
 sequitur liberatur *Radulpho de*
 * *Burgo*, Attornato prædicti *Ot-*
 * *tonis*, qui sequitur pro præ-
 * dicto *Otone*, ad deferendum
 * in *Angliam*, &c. Terræ et
 * tenementa, quæ fuere *Johan-*
 * *nis de Burgess* Anno 130. se
 * extendunt, sicut continetur in
 * extento inde facto, huic brevi
 * confuto, et liberatur præfato
 * *Otoni* secundum formam hu-
 * jus brevis; nec est inquisitum
 * de damnis, quia hoc manda-
 * tum id non requirit: et sunt
 * tenementa illa in manibus di-
 * versorum per feoffmenta.

King, by the under-written
 Jury, viz. *John de London,*
Stephen, &c. (and so names
 the rest) which Jury find upon
 their oaths, that the said *John*
de Burgess in the 13th year of
 the reign of the King, had 100
 acres of arable land at *Kilcon-*
nell, each of which acres is
 worth 4d. a year, &c. (and so
 the Record having mentioned
 many particular parcels of land,
 whereof the said *Burgess* was
 seized and their yearly values,
 after saith) and the said Writ
 indorsed in the following form
 was delivered to *Ralph de Bur-*
go, Attorney of the said *Otto*,
 who prosecutes for the said
Otto, to carry into *England*,
 &c. The lands and Tenements
 of *John de Burgess* in the 13th
 of the King were extended, as
 is contained in the extent made
 thereof, and annexed to this
 Writ, were delivered to the
 said *Otto*, according to the form
 of this Writ, nor was any In-
 quisiſition had of the damages,
 because the said Mandate doth
 not require it; and the said
 Tenements are in the hands of
 divers people by Feoffments.
 &c.

In the 3d year of *Edw. 2d* the said *Otto de Grandifon*
 brought an assize against divers for being disseised of the said
 lands, which he had by the aforesaid extent; which, though
 it be somewhat long, yet doth much clear the doubt, whe-
 ther the laws of *England* were of force in *Ireland* or no be-
 fore any statute made there to confirm them.

Adhuc

Adhuc de Juratis et Affisis apud *Cassel* coram Justitiario ad placita Justitiario *Hiberniæ* assignato audienda et terminanda, die lunæ proximè post festum Sancti *Ambrosij* Anno Regni Regis *Edw. fil. Regis Edw. 30.*

Tipperary ss. ' Affisa venit recognitura si *Richardus de Valle, Walterus de Brett, Mabilia* filia ejus, *Jobannes*, filius *Thomæ Bigod, Philippus Hacket, Willielmus de Burges,* & *Henricus*, filius *Henrici O Kellie*, injustè disseisiverunt *Ottomem de Grandifono* de libero tenemento suo in *Kilconnell*, &c. et unde queritur quod disseisiverunt eum de uno Messuagio, 5 Carrucatis terræ, &c. cum pertinentiis, &c. Et prædictus *Rich. de Valle, Walter de Bret*, personaliter, et *Philippus Hacket* non venit, sed quidam *Gervasius de Bailie* respondet pro eo, tanquam ejus Ballivis, et *Richardus de Valle* respondet ut tenens de uno Messuagio, et unâ Carrucatâ terræ, &c. in *Kilconnell*, et *Walterus* ut tenens de 4 Acris terræ in *A*, et *Philippus Hacket*, tenens de Medietate Carrucatæ terræ in *A*, dicunt, quod ipsi nullam Injuriam aut disseisinam ei inde fecerunt. Quia dicunt, quod *Thomas Bigod*, Pater dicti *Jobannis*, cujus hæres ipse est, tenuit de ipsis prædicta tenementa per servitium, quæ dant Custodiam, &c. et Obiit inde tenens eorum, &c. post cujus mortem ipsi intraverunt tenementa prædicta nomine Custodum, ratione

Assize of Juries and Affizes Anno 3d. at *Cassel* before the Justice appointed to hold and determine Pleas by the Justice of Ireland, on the Monday next after the feast of Saint *Ambrose*, in the 3d year of the Reign of King *Edward*, Son of King *Edward*. *Edw. 2. rot. 63. in tur. Berming.*

Tipperary ss. An Affize appeared to enquire, whether, *Richard de Valle, Walter de Brett, Mabilia* his Daughter, *John*, Son of *Thomas Bigod*; *Philip Hacket, William de Burges*, and *Henry* Son of *Henry O-Kellie*, unjustly, &c. disseized *Otto de Grandifon* of his Freehold in *Kilconnell*, &c. and of which he complains, that they disseized him of one Messuage, five Carrucates of land, &c. with the Appurtenances, &c. And the said *Richard de Valle, Walter le Brett*, appeared personally, and *Philip Hacket* did not appear, but one *Gervase de Bailie* answered for him, as his Bailiff, and *Richard de Valle* answered, as Tenant of one Messuage, and one Carrucate of land, &c. in *Kilconnell*, and *Walter*, as tenant of 4 Acres of land in *A*, and *Philip Hacket* tenant of a moiety of a Carrucate of land in *A*, say, that they did not commit any injury or disseisin on him in the Premises: because they say, that *Thomas Bigod*, Father of the said *John*, whose heir he is, held from them the said Tenements by services, which gave the Guardianship, &c. and died tenant thereof, to them, &c. After whose death they entered into the said Tenements, in the name of Guardians.

ratione minoris ætatis, prædicti
Johannis filii Thomæ Bigod,
 absque aliquâ injuriâ sive dis-
 seissinâ eidem *Ottoni* inde faci-
 enda, et hoc petunt quod in-
 quiratur per assiam. Et præ-
 dicta *Mabilia*, tenens de 20
 acris terrarum in *M.* dicit,
 quod ipsa recuperavit prædic-
 tas 20 Acrias terrarum, ut do-
 tem suam, coram Justiciario
 de Bapco *Dublin*, de libero
 teneamento quod fuit *Thomæ*
Bigod quondam viri sui, &c.
 et quod ipsa nullam injuriam
 aut disseissinam eidem *Ottoni*
 inde fecit, et hoc petit quod
 inquiratur per assiam. Et
 prædictus *Johannes*, filius *Tho-
 mæ Bigod*, non venit, sed *Wal-
 terus le Brett* respondet pro eo
 tanquam ejus Ballivus, et di-
 cit quod prædictus *Thomas*
Bigod, pater prædicti *Johan-
 nis*, cujus hæres, &c. obiit sei-
 sicus de prædicto tenemento,
 post cujus mortem ipse *Jo-
 hannes* per custodes suos præ-
 dictos intravit tenementa præ-
 dicta, ut filius & hæres ipsius
Thomæ, absque aliquâ inju-
 riâ aut disseissinâ alicui inde
 faciendis, et hoc petit quod
 inquiratur, &c. Et *Williamus*
de Burges venit et respondet,
 ut tenens de 40 Acriis, &c. in
L. et dicit, quod ipse habuit
 ingressum in prædicta tene-
 menta per prædictum *Otho-
 nem*, et non per disseissinâ, &
 hoc petit, &c. Et *Hen. O-
 Keley* venit & dicit, quod ipse
 nil habet, nec habere clamat,
 &c. nisi sex denarios redditus

dians, by reason of the minority
 of the said *John*, Son of *Thomas*
Bigod, without any injury or
 disseisin done to the said *Otto*,
 and this they demand should be
 inquired into by the Jury And
 the said *Mabilia*, tenant to 20
 Acres in *M.* says, that she reco-
 vered the said 20 Acres of land,
 as her Dowry, before the Jus-
 tices of the Common Pleas in
Dublin, of the free Tenement
 of the said *Thomas Bigod*, for-
 merly her husband, &c. And
 that she committed no injury nor
 disseisin on the said *Otto*, and
 this she demands should be in-
 quired of by the Jury. And
 the said *John*, Son of *Thomas*
Bigod, did not appear, but
Walter le Brett answered for
 him, as his Bailiff, and said,
 that the said *Thomas Bigod*, Fa-
 ther of the said *John*, whose
 heir he is, &c. died seized of
 the said Tenements, after whose
 death, the said *John*, by his
 Guardians aforesaid, entered in-
 to the said Tenements, as Son
 and Heir of the said *Thomas*,
 without any injury or disseisin
 done to any body thereby, and
 this he demands should be in-
 quired, &c. And *William de*
Burges appears, and answers,
 as Tenant of 40 Acres, &c. in
L. and says, that he made his
 entry into the said Tenements
 by the said *Otto*, and not by
 disseisin, and this he demands,
 &c. And *Henry O-Keley* ap-
 pears, and says, that he has no-
 thing, and claims nothing, &c.
 only six pence rent by the year,
 and

per Ann. et quod ipse nullam
 injuriam, &c. et hoc petit, &c.
 Et prædictus *Otto* dicit, quod
 ipse tenuit tenementa prædic-
 ta per considerationem & li-
 berationem Curie Domini Re-
 gis, pro eo quod quidam *Jo-
 hannes de Burges*, quondam
 tenens prædictorum tenemen-
 torum, dudum in Curia Do-
 mini Regis in *Anglia* cognovit
 se debere eidem *Ottoni* 200l.
 Argenti per formam Statuti
 Mercatorum, et virtute illius re-
 cognitionis prædicta tenemen-
 ta sibi liberata fuisse per con-
 sensum Curie Domini Regis,
 tenenda nomine liberi tenen-
 menti, juxta formam Statuti
 prædicti, donec de prædictis
 200l. simul cum damnis, cus-
 tagiis rationabilibus, et neces-
 sariis, ut in laboribus, sectis,
 & expensis, sibi satisfactum
 fuisset, & sic dicit, quod ipse
 fuit in bonâ & pacificâ seisinâ
 de prædictis tenementis, ut de
 libero tenemento, donec per
 prædictum *Richardum* et alios
 injuste & sine judicio fuit dis-
 seisinatus, et hoc petit quod in-
 quiratur per Assisam: Jura-
 tores dicunt super Sacramen-
 tum suum, quod prædictus
Johannes de Burges quondam
 tenuit prædicta tenementa, &
 tenebatur prædicto *Ottoni* in
 redditione, cujusdam compoti
 de tempore quo fuit Receptor
 denariorum ipsius *Ottonis* in
Hiberniâ, propter quod acces-
 sit ad ipsum *Ottonem* in *Angliâ*,
 et reddito Compoto suo, re-
 mansit in arrearagiis versus ip-
 sum *Ottonem* in 200l. &c.
 quas cognovit se debere præ-
 dicto

and that he no injury, &c. And
 demands, &c. And the said *Ot-
 to* says, that he held the said
 Tenements by Judgment and
 delivery of the Court of our
 Lord the King; because that
 one *John de Burges*, formerly
 Tenant of the said Tenements,
 long since in the Court of our
 Lord the King acknowledged
 that he owed to the said *Otto*
 200l. in silver by form of a Sta-
 tute Merchant, and by vertue
 of the said Recognizance the
 said Tenements were delivered
 to him by judgment of the Court
 of our Lord the King, to hold
 as his Freehold, according to
 the form of the said Statute, un-
 til he should be satisfied for the
 said 200l. together with his rea-
 sonable and necessary damages
 and costs, as in labours, suits,
 and expences, and so he says,
 that he was in the good and
 peaceable seisin of the said Te-
 nements, as of his Freehold,
 until he was unjustly, and with-
 out judgment, disseised by the
 said *Richard*, and others, and this
 he demands should be inquired
 of by the Jury. The Jury say
 upon their Oaths, that the said
John de Burges formerly held
 the said Tenements, and was
 bound to the said *Otto* to ren-
 der him a certain account for
 the time he was Receiver of the
 money of the said *Otto* in *Ire-
 land*; for which end he came
 to the said *Otto* into *England*,
 and, having made up his ac-
 counts, he remained in arrears
 to the said *Otto* in 200l. &c.
 which he acknowledged to owe
 to the said *Otto* according to the
 form

dicto *Ottoni*, juxta formam
 Statuti pro Mercatoribus editi.
 Et quia idem *Johannes* terminos
 solutionis non observavit,
 Dominus Rex ad sectam ipsius
Ottonis per breve Domini Regis
 sub magno sigillo *Anglie*, tenentibus
 scire fecit prædictorum
 tenementorum, quod essent
 ad certum diem in *Anglia*
 eidem *Ottoni* responsuris,
 quare dicta pecunia de tenementis
 prædictis levare non debere
 ad opus prædicti *Ottonis*.
 Et quia nulli Tenentes venire
 respondere eidem *Ottoni* in
 hac parte, Consideratum fuit,
 quod prædicta tenementa, ad
 quorumcunque manus devenissent,
 liberarentur eidem *Ottoni*,
 tenenda nomine liberi
 tenementi, donec sibi fuisset
 de prædictis debitis, ut prædictum
 est, satisfactum. Quæ quidem
 tenementa in hac forma
 liberata fuere prædicto *Ottoni*
 extra manum Magistri *Thomæ*
Bigod, tunc tenentis eorum
 tenementorum, cui idem
Otto per seisinam inde habitam
 tenementa illa concessit
 per extantum eorundem, et
 post mortem prædicti *Thomæ*
Bigod, prædicti *Richardus*, *Walterus*,
 et *Philippus* clamantes
 Custodiam tenementorum
 prædictorum ratione Minoris
 ætatis prædicti *Johannis*, filii
Thomæ Bigod, intravere
 tenementa prædicta, et ipsum
Ottonem inde ejecerunt. Et dicunt,
 quod prædictus *Thomas Bigod*
 nunquam fuit Tenens, nec
 seiscitus de tenementis prædictis.
 Ideo consideratum est,

form of the Statute made for
 Merchants. And because the
 said *John* did not observe his
 terms of payment, our Lord the
 King, at the suit of the said
Otto, by his Writ under the
 Great Seal of *England*, gave
 notice to the Tenants of the
 said Tenements, that they should
 appear at a certain day in *England*
 to answer the said *Otto*,
 why the said money should not
 be levied out of the said Tenements,
 to the use of the said
Otto. And because none of
 the Tenants appeared to answer
 the said *Otto* on this occasion,
 it was adjudged, that the said
 Tenements, into whose ever hands
 they had come, should be delivered
 over to the said *Otto*, to
 be held by him as his Freehold,
 until he should be satisfied for
 the said debts, as aforesaid.
 Which said Tenements were in
 this form delivered to the said
Otto out of the hands of Master
Thomas Bigod, then Tenant to
 the same, to whom the said
Otto by seisin thereof granted
 the said Tenements by extent
 of them; and after the death of
 the said *Thomas Bigod*, the said
Richard, *Walter*, and *Philip*,
 claiming the Wardship of the
 said Tenements, by reason of
 the Minority of the said *John*,
 Son to the said *Thomas Bigod*,
 entered into the said Tenements,
 and ejected the said *Otto*
 thereout. And they say, that
 the said *Thomas Bigod* was never
 Tenant, nor seized of the
 said Tenements. Therefore it
 is adjudged, that the said *Otto*
 should

quod prædictus *Otto* recuperet Seisinam suam versus prædictos *Richardum, Walterum, Mabilliam, et Philippum*, de prædictis tenementis, cum pertinentiis, per visum recognitorum, &c. et Damna sua, quæ taxantur versus prædictum *Richardum* ad 3l. 6s. 8d. et versus prædictos *Walterum et Mabilliam* ad 20s. & versus prædictum *Johannem* ad 10s. 8d. Et prædicti *Richardus, Walterus, Mabillia, Johannes, filius Thomæ Bigod, et Philippus*, in Misericordia. Et prædictus *Otto* in Curia pro falso Clamore versus prædictos *Willielmum & Henricum*, &c. & *Willielmus & Henricus* eant sine die. Et Curia *Johannem*, filium *Thomæ Bigod*, pardonavit, quia infra ætatem, &c. — Damna 4l. 17s 4d.

should recover his Seizin against the said *Richard, Walter, Mabillia*, and *Philip*, of the said Tenements, with the Appurtenances, by view of the Recognitors, &c. and his damages, which are taxed against the said *Richard* at 3l. 6s. 8d. and against the said *Walter* and *Mabillia* at 20s. and against the said *John* at 10s. 8d. and that the said *Richard, Walter, Mabillia, John*, the Son of *Thomas Bigod*, and *Philip* be amerced. And the said *Otto*, for his false challenge in Court against the said *William* and *Henry*, &c. and *William* and *Henry* to go without day. And the Court pardoned the said *John*, the Son of *Thomas Bigod*, because he was under age ——— Damages 4l. 17s. 4d.

By these records it appears, that *Ireland* antiently was so far from being accounted a Kingdom separated and divided from the Government of *England*, that it was esteemed in the nature of a County belonging to *England*, and the Justice of *Ireland* but, as it were, a kind of Sheriff to execute the process sent out of the courts of Justice of *England*. For the recognisance was acknowledged in *England*, which bound the land in *Ireland*; the process upon that recognisance was directed to the Justice of *Ireland*, to extend all the lands, &c. of the said *John Burgeffs*. Quæ anno prædicto debiti recogniti, ad quorumcunque manus in Ballivâ vestra deveniunt, ——— which on the said year of the said recognisance acknowledged, came into any hands within your Balliwick. That if he did not, he should be grievously amerced; and this writ was thereupon fully executed by the said Justice, and returned into *England*. That (as appears upon the Record of the assize brought for these lands upon that statute of 13 *Edw. 1.*) scire facias's out of *England* were directed to the

the tenants of the lands in *Ireland*, before the extent issued, returnable in *England*. Therefore doubtless *Ireland* was subject to the laws made in *England*, which were there executed before any act made in *Ireland* to confirm them.

Upon the granting of lands in *Mortmain* in *Ireland*, by the inheritor of the lands there. to any religious House in *England*, the writ of ad quod damnum was usually sent out of the Chancery of *England*, directed to the Justice of *Ireland*, ad inquirendum per probos, &c. de ballivâ vestrâ, — ‘to enquire by lawiul men of your Balliwick,’ returnable in *England*, which were executed by the said Justice, and returned into *England*, as by the records of 6 *Edw.* 2. and 2d *Edw.* 2. and many others of the like kind, appears.

6 *Edw.* 2. In anno 26 *Edw.* 1. Rot. 12. in *Officio Remem. Regis*
rot. 46. in *Scotarii*. — In the chief Remembrancer’s Office of the
offici. rem. Exchequer, *John*, the Son of *William* of *Sonebridge*, was
regis, and 2. upon the acknowledgment of a debt before *Robert le Bree*,
Edw. 2. rot. Mayor of *Dublin*, and *Henry le Compton*, then Clerk of our
2. in tur. Lord the King for the taking of recognisances for debts by
Berwing. vertue of the statute de Mercatoribus, taken and committed
to prison till the debts were paid.

By the statute of *Alton Burnell*, 11 *Edw.* 1, if the Appraisers do appraise the moveable goods of the Debtor at too much, they themselves shall take the goods, and presently answer the Creditor his debt; which course cannot be taken upon an execution by elegit, or upon a recovery for debt or damages; nor doth it extend to a recognisance in court, but only to those 2 statutes of *Alton Burnell*, and de Mercatoribus, as *Coke* (e) says, and yet that branch in that statute of *Alton Burnell* hath been executed in *Ireland* before any statute made there to confirm it, as appears by the record following.

6 *Edw.* 2. Communia Placita apud *Dublin*
Rot. 46. in coram *Edmundo le Botiller*,
offici. rem. Custode terræ *Hiberniæ*, in Octabis purificationis B. V. M. anno Regni Regis *Edwardi*, filii Regis *Edwardi* 6.

Common Pleas held at *Dublin* before *Edmund le Botiller*, Custos of the land of *Ireland*, on the octaves of the purification of the B. V. Mary, in the 6th year of King *Edward*, son of K *Edw.*

Dublin.

Dublin ss. 'Præceptum fuit
 'vicecomiti, quod illos octo
 'cranocos frumenti, pretii cu-
 'juslibet cranoci 4s. et illos sex
 'cranocos avenarum, pretii cu-
 'juslibet cranoci 40d. quos nu-
 'per in manum Domini Regis
 'cepit, et penes se detinet pro
 'defectu emptorum, prout man-
 'datum est *Edmundo le Bottil-*
 '*ler*, Custodi terræ *Hiberniæ*,
 'in crastino purificationis B. V.
 'proximè præteritæ, per ratio-
 'nabile pretium eorundem, sine
 'dilatione liberari faciat *Rad-*
 '*ulpho de Willeby* usque ad
 'appretiationem 48s. quos i-
 'dem *Radulphus* in curiâ hic,
 '&c. coram prædicto Custode
 'apud *Dublin*, per considerati-
 'onem ejusdem curiæ, &c. re-
 'cuperavit versus prædictum
 '*Jobannem*. Proviso tamen,
 'quod Appretiatores, qui bona
 'illa et catalla appretiare debu-
 'erunt, taliter ea appretiave-
 'runt, sicut ea recipere volue-
 'runt, si prædictus *Radulphus*
 'ea ad hujusmodi pretium re-
 'cipere recusavit, et residuum
 'prædicti debiti, si quid fuerit,
 'de aliis bonis et catallis præ-
 'dicti *Jobannis* in Ballivâ suâ
 'fieri faciat, et eidem *Radulpho*
 'sine dilatione habere faciat, et
 'quid, &c. scire faciat Justici-
 'ario hic, &c. ad hunc diem.
 'Et vicecomes modo mandat,
 'quod de bonis prius captis
 'pro debito prædicto appreti-
 'antur per juratam ad sex cra-
 'nocos frumenti, et sex crano-
 'cos avenarum, viz quemlibet
 'cranocum ad 4s. quæ bona
 'prædictus *Radulphus de Wil-*
 '*leby* per pretium prædictum
 'recipere

Dublin ss. The Sheriff was
 commanded, that without delay
 he deliver those 8 cranocks of
 wheat, price of each 4s. and
 those 6 cranocks of oats, price
 of each 40d. which he lately
 seized into the King's hands,
 and detains in his custody for
 want of buyers, as to *Edmund*
le Botiller, Custos of *Ireland*,
 was signified on the morrow of
 the purification of the B. V. last
 past, at a reasonable price to
Ralph de Willeby, according to
 the appraisement of 48s. which
 the said *Ralph* in the court
 here, &c. before the said Custos
 at *Dublin*, by judgment of the
 said Court, recovered against
 the said *John*. Provided never-
 theless, that the appraisers, who
 ought to have appraised the
 said goods and chattles, apprai-
 zed them at such a price as
 they would take them at, if the
 said *Ralph* should refuse to take
 them at the said price; and that
 he should levy the residue of
 the said debt, if any remained,
 out of other goods and chattles
 of the said *John* within his Bal-
 lywick, and deliver them over
 to the said *Ralph*, without de-
 lay; and what, &c. he should
 certify to the Justice here, &c.
 at this day. And the Sheriff
 now returned, that the goods
 formerly taken for the said debt,
 were appraised by the Jury to
 six cranocks of wheat, and six
 cranocks of oats, namely, every
 cranock at 4s. which goods the
 said *Ralph de Willeby* refused
 to receive at the said price; for
 which reason he kept the said
 goods in safe custody for want
 of

* recipere recusavit, ob quod
 * bona illa salvo custodivit pro
 * defectu emptorum. Et sunt
 * nomina appretiatorum prædic-
 * torum bonorum *Johannes Ly-*
 * * *on*, &c. [and so names the
 * rest.] et super hoc venit præ-
 * dictus *Radulphus de Willeby*,
 * et petit quod bona prædicta
 * deliberentur prædictis appre-
 * tiatoribus, et similiter quod
 * habere possit breve vicecomiti
 * ad fieri faciendum de bonis et
 * catallis appretiatorum prædic-
 * torum, ad opus prædicti *Ra-*
 * * *dulphi*, pecuniam prædictam
 * juxta formam statuti, &c. et
 * ei conceditur, et præceptum
 * est vicecomiti, quod blada
 * prædicta deliberari faciat præ-
 * dictis Appretiatoribus in for-
 * ma prædictâ, et quod de bonis
 * et catallis ipsorum Appretiato-
 * rum in ballivâ suâ fieri faciat
 * pecuniam prædictam, et illam
 * sine dilatione habere faciat
 * prædicto *Radulpho*, et quid,
 * &c. scieri faciat, &c. die lunæ
 * proximè ante festum Sancti
 * Gregorii Papæ ubicunque, &c.

of buyers. And the names of
 the appraisers of the said goods
 are *John Lyon*, &c. [and so
 names the rest,] and thereupon
 the said *Ralph de Willeby* comes
 and demands that the said goods
 should be delivered to the said
 appraisers, and likewise, that
 he may have a writ to the Sher-
 riff to levy out of the goods and
 chattles of the said appraisers,
 to the use of the said *Ralph*,
 the said money, according to the
 form of the statute, &c. which
 was granted to him. And the
 Sheriff was commanded to de-
 liver the said corn to the said
 Appraisers in form aforesaid,
 and that from the goods and
 chattles of the said Appraisers
 within his Balliwick he should
 levy the said money, and pay it
 over without delay to the said
Ralph. And what, &c. he should
 certify, &c. on monday next be-
 fore the feast of Saint *Gregory*
 the Pope, wheresoever, &c.

Divers other records remain in *Ireland*, whereby it ap-
 pears, that these statutes were executed there in the time
 of *Edw. 1st.* and *2d.* before the supposed statute made in
Ireland 13. Edw. 2. which, because they would draw out
 this treatise to too great a length, are now omitted, and I
 shall conclude this point with mentioning one commission for
 taking recognisances upon that statute.

Rot. pat. in Rex dilecto Clerico suo *Jo-*
 dorso 11. * *banni de Logan*, salutem. Sci-
Edw. 2. * atis quod assignavimus vos Cle-
 * ricum nostrum ad recognitiones
 * debitorum in civitate nostra
 * *Corke* accipiendum, una cum
 * Majore

The King to his beloved Clerk,
John de Logan, greeting. Know
 ye that we have appointed you
 our Clerk to take recognizances
 of debts within our City of *Cork*,
 together with the Mayor of the
 said

* Majore ejusdem civitates, a
 * quibuscunque debitoribus, qui
 * debita coram vobis recognof-
 * cere voluerunt, secundum for-
 * mam statuti Mercatoris de
 * hujusmodi recognitionibus pro-
 * vifi. Et ideo vobis manda-
 * mus, quod officio illo intenda-
 * tis, et ea faciatis, quæ ad of-
 * ficiũ illud pertinent. In cu-
 * jus rei, &c. Teste Rogero
 * de Mortuo mari apud Clon-
 * mell, 20o Januarii anno regni
 * nostri 11o.

said city, from all debtors, who
 are willing to acknowledge their
 debts before you, according to
 the form of the statute of Mer-
 chants concerning such recog-
 nizances provided. And there-
 fore we command you, that you
 employ yourself about the said
 office, and execute whatever be-
 longs to it. In testimony where-
 of, &c. Witness Roger de Mor-
 timer at Clonmell, the 20th day
 of January in the 11th year of
 our reign.

The Author tells us, that such statutes as have been made
 since the 12th of K. *John*, which are positive, or which do
 alter, add to, or diminish from the antient Common Laws,
 were not of force in *Ireland*, nor there executed, till they
 were confirmed by Act of Parliament there; and that the
 statutes of *Westminster* 1. and 2. and other the antient laws
 made in *England* were confirmed in *Ireland* by his supposed
 statute of 13th *Edw.* 2. Whereas by these aforementioned
 records, and many others there yet extant, it is most evi-
 dent, that those antient laws made in Parliaments in *England*,
 in some whereof *Ireland* is named, in others not, yet both
 were there received and executed long before the said statute
 of 13th *Edw.* 2. And therefore *Ireland* was not separate from
 the Government of *England*, but always subject to the laws
 thereof.

Now let us briefly search what has been done in *Ireland*
 since that supposed statute of 13th *Edw.* 2. and of another
 statute by the Author cited to be made in 19 *Edw.* 2. (but
 makes no proof of it) where saith he, it was enacted, that
 the statutes made in *England* should not be of force in *Ire-*
land, unless they were allowed by Parliament there; and we
 shall find by the records in *Ireland*, that after his supposed
 statutes, there were statutes made in *England* only for *Ire-*
land, and not for *England*, which were in *Ireland* received
 and executed. That statutes made in *England* only, where
Ireland is not named, were binding, and executed in *Ire-*
land, and that statutes made in *England* only, where both
England and *Ireland* were named, were received and execut-
 ed

ed in *Ireland*, before any confirmation of them by Parliament there.

In 42 *Edw.* 3. a statute was made at *Guilford* in *England*, that all who had lands in *Ireland* should before *Easter* in 43 of that King go into *Ireland*, or send sufficient men thither, according to the rates of the lands, there to stay for the defence of that Kingdom, under pain of forfeiture of the said lands. This statute was received and executed in *Ireland*, and many men's lands were there seized into the King's hands as forfeited by virtue thereof, as by many records there in *Edward* the Third's time appears, whereof we shall cite only some few.

De quodam Anno 48 et 49 *Edw.* 3. in brevi ret. in officio rememoracionum regis in Canc. Hib. scaccario, rot. 12. pro *Hugone de Spencer*.

• *Kilkenny* sc. Dominus Rex
• mandavit breve suum de
• Cancellaria sua *Hibernie*
• Thesaurario et Baronibus hu-
• jus Scaccarii directum in hæc
• verba. *Edwardus*, &c. The-
• saurario, vel ejus locum tenen-
• tem, et Baronibus de Scac-
• cario suo *Hibernie*, salutem.
• Quia quibusdam certis de
• causis certiorari volumus, si
• *Hugo*, filius *Edwardi de Spen-*
• *cer* chevalier, jam defunctus,
• et *Alicia*, filia *Johannis*, filii
• *Petri de Hotbam* Clerici, nu-
• per uxor sua, seßiti fuere de
• Castro de *Kilkenny*, cum
• Molendino ibidem, et de
• maneriis de *Donfert* et *Kil-*
• *dermoy*, cum pertinentiis, &c.
• (naming divers other towns
• and laads) una cum liberta-
• tibus regalibus ibidem, et aliis
• libertatibus, officiis, et pro-
• ficuis diversis, ad prædictum
• Castrum, Villas, &c. perti-
• nentibus, quæ de nobis tenen-

In the 48th and 49th year of *Edward* 3d in the remem-
brancer's office roll, 42.

Kilkenny sc. The King di-
rected his writ out of his Chan-
cery of *Ireland*, to the Treas-
urer and Barons of this Exche-
quer directed in these words.
Edward, &c. to the Treasurer,
or his Deputy, and to the Bar-
ons of his Exchequer of *Ire-*
land; greeting. Because for
certain causes we desire to be
certified, if *Hugh*, the son of
Edward de Spencer Knight,
now deceased, and *Alicia*,
daughter of *John*, son of *Peter*
de *Hotbam* Clerk, late his wife,
were seized of the Castle of *Kil-*
kenny, with a Mill there, and
of the Manors of *Donfert*, and
Kildermoy, with the appurten-
ances, &c. (naming divers o-
ther towns and lauds) together
with the regal liberties therein,
and other liberties, offices, and
divers profits, belonging to the
said Castle, Towns, &c. which
are held of us in Capite, in
their demesne as of fee; as al-

• tur in Capite, in Dominico
 • suo ut de feodo, nec non si
 • idem Castrum, Maneria, &c.
 • virtute cujusdam ordinationis
 • nuper apud *Guilford*, Anno
 • Regni nostri Angliæ 42. fac-
 • tæ, quod quilibet homo ha-
 • bens dominia, terras, vel te-
 • nementa a quæcunque in terrâ
 • nostrâ *Hiberniæ*, in propriâ
 • personâ suâ in dictâ terrâ
 • *Hiberniæ* veniret, vel ibidem
 • gentes sufficientes mitteret
 • juxta ratam dominiorum, ter-
 • rarum, et tenementorum præ-
 • dictorum ante festum Paschæ,
 • Anno Regni nostri Angliæ 43,
 • vel in eodem festo, ad moran-
 • dum ibidem in dictâ terrâ
 • nostrâ *Hiberniæ* super defen-
 • sionem ejusdem terræ, super
 • forisfacturam terrarum et do-
 • miniorum prædictorum erga
 • nos, et hæredes nostros. Et
 • pro eo quod præfatus *Hugo* in
 • dictâ terrâ *Hiberniæ* non ve-
 • nit, nec gentes sufficientes su-
 • per defensionem dominiorum,
 • terrarum, et tenementorum
 • prædictorum, moraturas, ante
 • dictum festum misit, capta
 • fuere in manum nostram, et si
 • eâ de causâ, et per mortem
 • ipsius *Hugonis*, in manum nos-
 • tram remanserunt et adhuc
 • existunt, nec ne, et si alia de
 • causâ, qualiter, et quo mo-
 • do; vobis mandamus, quod
 • scrutatis rotulis & memoran-
 • dis Scaccarii prædicti præmissa
 • concernentibus, de eo quod
 • iaveneritis nos in Cancellariam
 • nostram *Hiberniæ* sub sigillo
 • ejusdem Scaccarii distinctè, et
 • apertè sine dilatione reddatis
 P A R T II. certiores,

so, if the said Castle, Manors,
 &c. by virtue of a certain or-
 dinance lately made at *Guilford*
 in the 42d year of our reign,
 that every man having any
 Lordships, Lands, or Tene-
 ments, in our land of *Ireland*,
 should in proper person come
 into the said land, or send suffi-
 cient people thither, according
 to their proportion of such
 Lordships, Lands, and Tene-
 ments, before the feast of *Eas-
 ter* in the 43d year of our reign
 of *England*, or on the said feast,
 to abide there in our said land
 of *Ireland*, in defence of the
 same, under the forfeiture of
 the said lands and tenements to
 us and our heirs. And because
 the said *Hugh* did not come in-
 to the said land of *Ireland*, nor
 sent sufficient people there, to
 abide therein, for the defence
 of the said Lordships, lands,
 and tenements, before the said
 feast, the same were seized in-
 to our hands, and if for that
 cause, and by the death of the
 said *Hugh*, they remained, and
 still remain in our hands, or no,
 or, if for any other cause, how,
 and in what manner, we com-
 mand you that having searched
 the rolls and memorandums of
 the said Exchequer concerning
 the premisses, that what you
 find relating thereto you certi-
 fie to us into our chancery of
Ireland, under the Seal of the
 said Exchequer distinctly and
 clearly, without delay, at the
 same time making a return to
 us of this writ. Witness *Wil-
 liam de Windsor*, Governour
 H. and

certiores, hoc breve nobis remittentes. Teste *Willielmo de Wilsfor*, Gubernatore et Custode terrarum nostrarum *Hibernie*, apud *Dublin* 12 die *Maii*, Anno Regni nostri *Anglie* 49, &c. Pretextu huius brevis, scriptatis Rotulis et memorandis *Scaccarii Hibernie*, compertum est in iisdem, quod castrum de *Kilkenny*, et *Molendinum* ibidem, Manerium de *Donfert*, &c. (naming the rest of the towns and lands in the Certiorari mentioned) una cum libertatibus regalibus ibidem, et aliis libertatibus, officiis, et proficuis diversis, ad prædictum Castrum, Villas, Maneria, &c. infra contentis, virtute Ordinationis de *Guilford*, in manus Domini Regis Capta fuere, et eadem de causa in manum nostram, a tempore ordinationis prædictæ et deinceps ratione moræ infra scripti *Hugonis* extra terram *Hibernie*, remanserunt, & adhuc existunt, et nulla alia causa penes dictum *Scaccarium* ad præsens reperiri potest, per quam idem Castrum, Maneria, Molendina, &c. capta fuere in manum nostram præter causam ordinationis de *Guilford* prædictæ.

and Custos of our lands of *Ireland* at *Dublin*, the 12th day of *May* in the 49th year of our reign. — By vertue of this writ, having searched the rolls and memorandums of the Exchequer of *Ireland*, it is found therein, that the castle of *Kilkenny*, and a mill there, the manor of *Donfert*, &c. (naming the rest of the towns and lands in the *Certiorari* mentioned) together with the regal liberties there, and divers other liberties, offices, and profits, belonging to the said castle, towns, manors, &c. underneath contained, by vertue of the ordinance of *Guilford*, were seized into the King's hands, and for the same cause have remained in our hands from the time of the said ordinance, and afterwards, by reason of the stay of the said *Hugh* out of the lands of *Ireland*, do yet remain; and no other cause can at present be found in the said Exchequer for which the said castle, manors, mills, &c. were seized into our hands, except the ordinance of *Guilford* aforesaid.

By this record it appears, that these lands were seized presently into the King's hands upon that statute of *Guilford*, as soon as it was in force. For the words of the return of the writ are, — *Eadem de causâ in manum nostram a tempore ordinationis prædictæ, et deinceps ratione moræ* — For the same cause, were seized into our hands from the time of the said ordinance; and, from thenceforth by reason of the stay, &c.

&c. And therefore, there is no likelihood that that statute was ever confirmed in any Parliament in *Ireland*; nor do we find any mention of such confirmation in any record, or any other place.

Placita apud Adare coram *Willielmo de Windsor*, locum tenente Domini Regis in *Hibernia* a die Sancti Michaelis in 15 dies, Anno Regni Regis *Edw.* 3. 44^e.

Pleas held at *Adare* before *William de Windsor*, Lieutenant of our Lord the King in *Ireland*, on the Quindene of St. Michael, in the 44th Year of King Edward 3d. A^o. 43. Ed. 3. rot. 21. in Berm. cur.

Corke, ff. 'Præceptum fuit vicecomiti, quod capi et seifiri faciat in manum Domini Regis quartam partem manerii de *Inchecoigne*, cum pertinentiis, quæ fuere *Thomæ de Roos*, et manerium de *Ballydarawin* cum pertinentiis, quod fuit *Willielmi de Canton*, de quibus quidem manerius, et quartâ parte manerii, idem *Thomas & Willielmus*, pro eo quod ipsi in propriis personis suis ante festum Paschæ, Anno Regni Domini Regis, qui nunc est, 43^o. ad terram *Hiberniam* non venere, nec alios sufficientes loco suo ad eandem terram, ante dictum festum, ad proprios cultus suos miserunt, pro consideratione curiæ dicti Regis exheredantur, et ad Dominium Domini Regis applicantur, juxta ordinationem inde in Angliâ factam, et quod dictum Manerium, et quartam partem manerii, per sacramentum proborum & legalium hominum de ballivâ suâ, per quos, &c. extendi faciat, quantum (*viz.*) valuerant per annum ad dictum festum Paschæ, et quantum nunc valent per

Corke ss. The sheriff was commanded, that he should take and seize into the hands of the King the 4th part of the manor of *Inchecoigne*, with the appurtenances, the property of *Thomas Roos*, and the manor of *Ballydarawin*, with the appurtenances, the property of *William de Canton*, of which manor, and the 4th part of a manor, the said *Thomas* and *William* were disherited, by judgment of the King's Court, because that they in their proper persons before the feast of Easter, in the 43d year of the King that now is, did not come to the land of *Ireland*, nor send a sufficient number of others to the said land in their steads, at their proper expences, before the said feast, and the said lands were adjoined to the Lordship of the King, according to an Ordinance to that purpose made in *England*; and that he should extend the said manor, and 4th part of a manor, by the oaths of honest and legal men of his ballywick, by whom, &c. namely, at what they were worth by the year at the said feast of Easter, and how much

per annum in omnibus exitibus, juxta verum valorem eorum, et quis, vel qui, exitus et proficua eorundem ad dictum festum, et ad alios terminos huc usque, et quantum perceperunt, vel percepit, qualiter, et quomodo; ita quod idem Vicecomes de exitibus inde Domino Regi a 24^o die Julii anno, ut infra, Domino Regi respondeat, et quid inde fecerit prefato Locum tenenti ad hunc diem ubicunque, &c. constare faciat. Cujus Mandati pretextu *Johannes Lombard*, Vicecomes comitatus predicti, quandam inquisitionem captam coram eo dicto locum tenenti retinuit ad hunc diem, in forma quæ sequitur — Inquisitione Capta apud *Corke* coram *Johanne Lombard*, Vicecomitem Comitatus predicti, die Mercurii proxime post festum St. Dionysii Martiris. Anno Regni Regis *Edw. 3.* 44^o. per subscriptos viz. *Richardum filium Petri de Carew*, &c. Qui Juratores dicunt super sacramentum suum, quod 4^o. pars manerii de *Inchecoigne*, cum pertinentiis, quæ fuit *Thomæ de Roos*, ad festum Paschæ anno Domini Regis 43^o, non valuit ultra 3l. 3s. per annum in omnibus exitibus, nec adhuc plus valet, et quod — Ileger, ut attornatus predicti *Thomæ de Roos* recepit proficua inde venientia ad dictum festum Paschæ, et huc usque percipit; et quod manerium de Bally-

they are now worth by the year in all issues, according to the true value of them, and who, or what person or persons received the issues and profits of them on the said feast, and at other terms hitherto, and how much he or they received, how, and in what manner; so that the said sheriff may answer the King the profits thence accruing from the 24th day of July in the year underwritten, and that what he should do therein he should signify to the said Lord Lieutenant at this day, wheresoever, &c. By virtue of which mandate *John Lombard*, sheriff of the said County, returned to the said Lord Lieutenant a certain inquisition taken before him in the following form. — An inquisition taken at *Cork* before *John Lombard*, sheriff of the said County, on the wednesday next after the feast of St. *Dennis* the martyr in the 44th year of the Reign of King *Edward 3d.* by the undernamed, viz. *Richard Fitz-Peter de Carew*, &c. which Jury say upon their oaths, that the 4th part of the manor of *Inchecoigne*, with the appurtenances, which was the property of *Thomas de Roos*, on the feast of Easter in the said 43d year of the King was not worth above 3l. 3s. a year, in all its issues, and is not yet worth more, and that — Ileger, as attorney for the said *Thomas de Roos*, received the profits from thence arising on the said feast of Easter, and yet receives

• Ballyderawin, cum pertinentiis
 • nil valet per annum, nec va-
 • luit ad dictum festum Paschæ,
 • quia in manus Rebellium &
 • inimicorum Domini Regis ex-
 • istit; quod scilicet Manerium,
 • et quarta pars Manerii, capta
 • sunt et seista in manus Domi-
 • ni Regis in formâ præscriptâ.

receives the same: and that the manor of *Ballyderawin*, with the appurtenances, is worth nothing by the year, nor was worth any thing on the said feast of Easter, because it was in the hands of Rebels and Enemies to the King; which said manor, and fourth part of a manor, were taken and seized into the King's hands in the form above written.

It appears by this record, that this seizure was made by virtue of the statute made in *England*, and that within a very little time after it was to be of force; but no mention is made of any such statute made and confirmed in *Ireland*; and the time and matter of this record compared with the former record makes it appear, that this was upon the statute of *Guilford*.

It appears by a record, (t) that *Edward le Despencer*, being seized of the lands of *Ballyoweran*, in the County of *Waterford*, had them seized as forfeited by virtue of that statute of 42. *Edw. 3.* at *Guilford*; though, as the record saith, he was at the time of the said ordinance by the King's command in his service in *Lombardy*; and therefore the King pardoned him the forfeiture, and regranted the lands to him; so strictly was that statute executed in *Ireland*.

(t) 7^o Rich. 2. in officio Remom. Rot. 20.

Anno 44. *Edw. 3.* the Earl of *Kildare* petitioned the Parliament to have certain lands holden of him, and lately in his possession by virtue of a wardship, restored to him, which were seized by virtue of the statute of 42. *Edw. 3.* Whereas (as the record is) *Johannes* (Father of the ward) *Obiit ante ordinationem prædictam per dictum Regem et consilium suum in Angliâ factam, in quâ inter cætera continetur, quod omnes & singuli Regni Angliæ, tam Prælati, Duces, Comites, Barones, quam alii quicunque, cujuscunque status, &c.*—*John* (Father of the ward) died before the said ordinance was made in *England* by the said King and his Council, in which, among other things, is contained, that all and singular Prelates, Dukes, Barons, and others, of what state or condition soever,—and so recites the statute before mentioned in the record of *Hugh de le Spencer*, and then saith, that he did

A^o. 44. *Edw. 3.* Rot. 11. in tur. Berm.

maintain men for the defence of the said lands, which being transmitted into the King's Bench, and there so found, he had an *amoveat manum*. The record is large, and many other notable records there are to this purpose, which, being long, are for brevity omitted. By all which it appears, that the said statute was executed in *Ireland*, and yet by the records themselves it is evident, that the said statute was made only in *England* and so recited in the records to be—*virtute ordinationis factæ in Angliâ*—by virtue of an ordinance made in *England*; neither doth it appear, that the said statute was ever confirmed by any Parliament in *Ireland*, but was executed presently upon the making it in *England*, as by the record of *Hugh Despencer* appears; whereby it is evident, that statutes made only in *England* for *Ireland* were there received, were of force, and there executed.

(g) 3. rep. Statutes made in *England*, where *Ireland* is not named, did bind in *Ireland*, before any confirmation of them there, as Herbert's Case 12. s. 2d. Inst. upon Stat. West. 2. Chap. 18. appears by records there. The statute 25 Edw. 3. Chap. 17. saith, that such process shall be in debt as in account, which is an introductory law. For before that time a Capias did not lie for debt, nor was the body liable to execution for debt (g). Yet that statute was executed in *Ireland* in the time of King Edw. 3. long before any confirmation of it.

In 44. Edw. 3. Rot. 20. in the chief Remembrancer's Office, but belonging to the Common Pleas.

Catherlogh Is. ; *Johannes Moore* per *Johannem Leyn*, Attornatum suum, obtulit se 4^o die versus *Richardum*, filium *Richardi Witty*, de placito quod reddat ei 40l. quas ei debet, et injuste detinet, ut dicit. Et præceptum fuit Vicecomiti, sicut pluries, quod caperet eum. Et Vicecomes mandat, quod ipse non est inventus, ita quod capi potest, et ipse modo non venit. Ideo præceptum est Vicecomiti, quod coram se, et Custode placitorum Coronæ, &c. in

Catherlogh Is. *John Moore* appeared on the 4th day by *John Leyn*, his Attorney, against *Richard Fitz Richard Witty*, in a plea that he should render him 40l. which he owes him, and unjustly detains from him, as he alleges. And the Sheriff was commanded, as he often was before, to take him Prisoner. And the Sheriff returns, that he is not to be found, so as to be taken, and he did not now appear. Therefore a precept issued to the Sheriff, that he should in his full County caute

in pleno Comitatu suo exigi-
 faciat prædictum *Richardum*
 de Comitatu in Comitatum,
 quousque utlagatus fuerit, et
 si comparuerit, tunc eum ca-
 piat, et ipsum in Prisonâ, &c.
 salvo custodiri faceret, ita
 quod habeat corpus ejus hic
 ad respondendum, &c. et
 quid inde fecerit Justiciario
 hic a die Paschæ in unum
 mensem constare faciat. Idem
 dies datus est prædicto *Jo-*
banni Moore.

cause the said *Richard* to be
 exacted from County to Coun-
 ty Court before himself, and
 the Keeper of the Pleas of the
 Crown, &c. until he should be
 outlawed; and if he appeared,
 that then he should take him
 prisoner, and should safely de-
 tain him in prison, so that he
 should have his body here to
 answer, &c. and what he
 should do therein he should sig-
 nifie to the Justice here, in the
 month after Easter. The same
 day was given to the said *John*
Moore.

Many more of this Kind may be seen in the 6th. Roll of
 that year.

Rex omnibus Ballivis & fi-
 delibus suis ad quos, &c. sa-
 lutem. Sciatis quod cum *Jo-*
bannes Moore nuper implaci-
 tasset *Mauritium Fitz-Gerald*
 coram Justiciariis nostris de
 Banco *Hiberniæ*, per breve
 nostrum de Debito 111. &
 10s. quod idem *Jobannes* a
 præfato *Mauricio* exigebat,
 ac idem *Mauritius*, pro eo
 quod non venit coram præfa-
 tis Justiciariis nostris prædicto
Jobanni inde, secundum le-
 gem & consuetudinem terra
 nostræ *Hiberniæ*, responsurus,
 in exigendo positus fuisset in
 comitatu *Dublin* ad utlagan-
 dum, et eâdem occasione
 postmodum utlagatus, sicut
 per tenorem Recordi et pro-
 cessus utlagariæ prædictæ,
 quos coram nobis in Cancellaria
 nostrâ *Hiberniæ* venire fe-
 cimus plenius apparet. Idem-
 que

The King to all his Bayliffs Rot. Pat.
 and faithful subjects, to whom, 49. Edw. 3.
 &c. greeting. Know ye, that
 whereas *John Moore* lately hath
 impleaded *Maurice Fitz-Ger-*
ald before the Justices of our
 bench of *Ireland* by our writ of
 debt for 111. 10s. which the
 said *John* demanded from the
 said *Maurice*; and the said
Maurice, for that he did not
 appear to answer the said *John*
 before our said justices accord-
 ing to the law and custom of
 our land of *Ireland*, was put
 on the exigent in order to out-
 law him in the county of *Dub-*
lin, and upon that occasion was
 afterwards out-lawed, as more
 fully appears by the tenor of
 the record and processe of the
 said out-lawry, which we caus-
 ed to be returned before us in
 our Chancery of *Ireland*; and
 the said *Maurice* hath now ren-
 dered

que Mauritius Prisonæ Mares-
 • challi nostri in Banco prædicto
 • jam se reddiderit, et in eo-
 • dem eâ occasione moratur, si-
 • cut dilectus et fidelis noster
 • • Robertus de Preston, Capitalis
 • Justitiarius noster de Banco
 • prædicto, nobis in Cancellariâ
 • • nostrâ prædictâ ad mandatum
 • nostrum certificavit. Nos pie-
 • tate moti pardonavimus ei-
 • dem Mauritio utlagariam præ-
 • dictam, et firmam pacem, &c.
 • Ita quod stet recto, &c. si
 • quis versus eum loqui voluerit
 • • de debito supradicto. In
 • • cujus, &c. Teste, &c. 3^o.
 • die Julii.

dered himself to the prison of
 our Marshall in our said bench,
 and for that cause now remains
 there, as our beloved and faith-
 ful subject *Robert de Preston*,
 Chief Justice of our said bench
 hath, at our command, certifi-
 ed to us into our said court of
 chancery: We, being moved
 by compassion, have pardoned
 the said *Maurice* the said out-
 lawry, and do restore him to
 our firm peace, &c. on condi-
 tion that he stands to justice,
 &c. if any has any demand to
 make against him for the said
 debt. In testimony, &c. wit-
 ness, &c. the third day of July.

In the Roll of that year there are the like pardons of out-
 lawries to others; and in the Plea Roll of the common Pleas
 in *Ireland* in 5. *Hen. 6.* 11. *Hen. 6.* and 19. *Hen. 6.* till
 which time and after from 25. *Edw. 3.* there was no con-
 firmation of any statute made in *England* by any Parliament
 in *Ireland*. There are hundreds of actions of debt brought,
 whereupon a *Capias* issued, and upon many of the exigents
 returned, and divers out-lawed, out-lawries after judgment,
 and pardons of out-lawries, which could not be upon any
 statute but that of 25. *Edw. 3.* For no other statute, nor
 any confirmation of that statute was made by a Parliament
 in *Ireland*, until the statute of 8. *Edw. 4.* which confirmed
 that statute of *England*; was never heard of, ever yet found,
 or mentioned in any record, or otherwise, whereupon that
 writ of *Capias* should issue in debt, but only that of 25.
Edw. 3d.

The statutes of labourers made in the 23d. and 25. *Edw.*
 3. wherein *England* is only mentioned, were executed in
Ireland, even in that King's time, without any confirmati-
 on by Parliament in *Ireland*; concerning which there are
 divers records in *Ireland*. I will only for brevity cite one,
 which will make it clear.

Commissioners

Commissiones et literæ patentis de termino Paschæ Anno 30 Edw. 3.

Uriel ls. Rex dilecto sibi Johanni Taase de Castletownagh, Vicecomiti nostro Uriel, & Johanni Dorudal, salutem, Cum 60. die Octobris Anno Regni nostri 460. per literas nostras patentes Assignavimus Riginaldum Hadfor, et Robertum Heiron, Justiciarios nostros ad ordinationem et statuta de operariis, artificibus, & fervientibus, in Conciliis et Parliamentis nostris apud Westmonasterium nuper tentis, pro communi utilitate Regni nostri Angliæ, et terræ nostræ Hiberniæ, facta, in omnibus & singulis articulis in Comitatu Louth, tam infra libertates quam extra, custodiendum, et custodiri faciendum, et ad omnia et singula, quæ contra formam Ordinationum et statutorum prædictorum in Comitatu prædicto, tam infra libertates quam extra, fuere attemptata, tam ad sectam nostram, quam ad aliorum quorumcunque coram eis conqueri seu prosequi volentium, audiendum et terminandum, juxta vim & effectum ordinationis et statuti prædicti; salvis nobis amerciamentis, et omnibus aliis ad nos inde spectantibus. Ac jam ex relatu fide dignorum accepimus, quod diversi fines et amerciamenta contra præfatis Riginaldo et Roberto in pluribus Sessionibus suis, de tempore quo assignati fuere ad præmissa facienda, nobis forisfacta & adjudicata

Commissions and Letters Patent of Easter Term in the 30th year of Edward 3d.

The King to his beloved subject, John Taase of Castletownagh, our Sheriff of Uriel, and John Dorudal, greeting. Whereas on the 6th day of October in the 46th year of our reign we by our Letters Patent appointed Riginald Hadfor and Robert Heiron, our Justices, to maintain, and cause to be maintained in the county of Louth, as well within as out of liberties, the ordinance and statutes of labourers, artificers, and servants, made in our Councils and Parliaments lately held at Westminster, for the common utility of our Kingdom of England, and our land of Ireland, in all and singular the articles thereof, and to hear and determine, according to the force and effect of the said ordinances and statutes, all and every thing, which were attempted against the form of the said ordinances and statutes in the said county, as well within as out of liberties, as well at our suit, as at the suit of any others whatsoever, who will complain or prosecute before them: saving to us our amerciaments, and all other things belonging to us thereout. And now we have heard by the relation of People worthy of credit, that divers fines and amerciaments have been forfeited and adjudged to us, amounting to no moderate sum, before the said Riginald and Robert, in many of their sessions, from the time that they were appointed

to

adjudicata fuere ad summam
 non modicam attingentia, quæ
 a Debitoribus nostris illa de-
 bentibus ad opus illarum pro-
 prium levaverunt & recupera-
 verunt, et voluntatem suam
 inde fecerunt, et eisdem fines
 & amerciamenta, ac catalla
 forisfacta, ad Scaccarium no-
 strum *Hibernia* non retorna-
 verunt, sed penes eos conce-
 larunt, & concealant in præ-
 sent, &c. After is that com-
 mission is power given them to
 inquire of the defaults of the
 said *Robert Heiran* as Coroner
 of that County, which is not to
 our purpose. In nostrum præ-
 judicium, et damnum non
 modicum, ac contra formam
 Sacramentorum prædicti *Regi-
 naldi & Roberti* in hac parte
 præstitorum. Nos ad Com-
 modum nostrum in hac parte
 prospicere, & super præmissis
 plene informari, et veritatem
 scire cupientes, ut tenemur,
 ac de fidelitate et industria
 vestra plenarie confidentes, as-
 signamus vos ad inquirendum
 per Sacramentum bonorum &
 legalium hominum de Comi-
 tatu prædicto, per quos rei ve-
 ritas melius sciri poterit, et
 inquirei, quas et cujusmodi fi-
 nes & amerciamenta et Catal-
 la forisfacta coram præfatis
Reginaldo et Roberto, in qui-
 buscumque Sessionibus suis de
 tempore quo Assignati fuere
 Justitiarum nostri in præmissis
 nobis forisfacta seu adjudicata
 fuere, quæ in formam prædictam
 ad Scaccarium nostrum præ-
 dictum non retinere, sed
 illa, ut præmittitur, conceal-
 runt.

to execute the premisses, which
 they have recovered and levied
 from our Debtors to their pro-
 per uses, and have turned them
 to their own accounts, and have
 not returned the said fines, a-
 merciaments, and chattles to
 our Exchequer, but have con-
 cealed, and still do conceal
 them, among themselves (after
 in that commission power is gi-
 ven them to inquire of the de-
 faults of *Robert Heiran*, as Co-
 roner of that county, which is
 not to our purpose) to our no
 small prejudice and damage,
 and against the form of the
 Oaths taken upon this occasion
 by the said *Reginald* and *Robert*.
 We desiring to take care of our
 profit upon those points, and to
 be fully informed of the Pre-
 misses, and to come at the
 knowledge of the truth, as we
 ought to do, and placing an en-
 tire confidence in your fidelity
 and industry, we have deputed
 you to inquire by the Oaths of
 good and legal men of the said
 County, from whom the truth
 can be best inquired and disco-
 vered, what, and what sort of
 fines, amerciaments, and chat-
 tles were declared forfeited be-
 fore the said *Reginald* and *Ro-
 bert*, and in what Sessions, from
 the time that they were ap-
 pointed our Justices in the Pre-
 misses, which they have not re-
 turned into our said Exchequer,
 but have and do conceal as a-
 foresaid, not taking care to sa-
 tisfy us therein, and from what
 Persons particularly the said
 fines, amerciaments and chat-
 tles they levied and received to their

runt, et concellant in present, nobis inde satisfacere non curando, et de quibus personis particulariter dictæ fines et merciamenta & Catalla forisfacta ad opus illorum proprium levaverunt et perciperunt qualiter, et quomodo; Et ideo Mandamus quod omnia & singula præmissa modo debito faciatis, &c. & inquisitiones illas coram nobis distinctè et aperte faciatis, unâ cum toto facto vestro in hac parte habentis coram Baronibus Scaccarii nostri Hiberniæ apud *Catherlogh* a die S. Trinitatis in 15 dies sub Sigillis vestris, &c. in cuius, &c. Teste R. *Holliswood*, Barone Scaccarii nostri prædicti apud *Catherlogh*, 6^o Maij. Anno Regni nostri Angliæ 500.

Adhuc Communia Placita de termino Trinitatis Anno 50. *Edw* 3.

Uriel sc. Dominus Rex Mandavit breve suum de Cancellariâ suâ Hiberniæ Thesaurio et Baronibus hujus Scaccarii directum in hæc verba. *Ed.* &c. Thesaurario et Baronibus de Scaccario Hiberniæ Salutem. Quandam petitionem Gubernatori et Custodi terræ nostræ, ac aliis de concilio nostro in Parlamento nostro apud *Dublin* in Octavis St. *Hilarii* proxime præteritis, tento, per *Reginaldum Hadfor* & *Robertum Heiron* exhibitam, et per ipsos indorsatam, mandamus, quod, visis petitione & indorsamento prædictis, ulterius inde fieri faciatis prout continetur in eisdem, remittentes nobis

their own proper uses; how and in what manner. And therefore we command you, that you duly execute all and singular the premisses, &c. and that you distinctly and clearly cause the said Inquisitions to be returned before us, together with all that you shall do upon the occasion, before the Barons of our Exchequer of Ireland at *Catherlogh* on the Quindene of the Holy Trinity next, under your Seals, &c. In testimony of which, &c. Witness R. *Holliswood*, Baron of our said Exchequer at *Catherlogh*, the 6th day of May in the 50th year of our reign.

As yet the Common Pleas of Trinity Term in the 50th year of Edward 3d. Anno præd. sp. 37. dorso.

Uriel sc. The King sent his Writ out of the Chancery of Ireland directed to the Treasurer and Barons of this Exchequer in these words. *Edward*, &c. To the Treasurer and Barons of his Exchequer of Ireland, greeting. We command, that having seen a certain petition exhibited by *Reginald Hadfor* and *Robert Heiron* to the Governor and Custos of our land of Ireland, and to our Council in our Parliament held at *Dublin* on the Octave of St. *Hilary* last past, and by them indorsed, that you further do as is contained therein, making a return to us of this Writ, together with the said Petition. Witness *William*

de

• bis hoc breve, una cum peti-
 • tione prædictâ. Teste Will-
 • elmo de Windsor, Gubernatore
 • et Custode terræ nostræ
 • Hiberniæ, apud Dublin, 110.
 • die Februarij, Anno Regni
 • nostri 49o, &c. Et tenor pe-
 • titionis, de qua fit mentio su-
 • perius in brevi, sequitur in
 • hæc verba. A vous Seigneur
 • Gouverneur et Gardein de
 • Ireland, et autres sages de
 • Councell. Notre Seigneur le
 • Roy ilonques Supplication *Re-*
 • • *ginald de Hadser et Robert*
 • • *Heiron*, que ou ils ont estre
 • Justices de Laboureurs per
 • deux ans passe per Commission
 • notre Seigneur le Roy in le
 • Countie le *Louth* assignate,
 • que plesé granter a les dits
 • vaudits le *Reynold & Robert*
 • covenable regard pour leur
 • grande Custages & Travaulx,
 • que ils ont susteinies per
 • mesme le temps. Et mieux
 • contristant, que leur regard
 • ne est en le dite Commission
 • en certain limite et assignate,
 • que vous plesé de votre bone
 • grace granter al eux le tierce
 • partie de les issues provenant
 • de mesme l'Office, come a
 • tout ceuz est graunte, que ont
 • este en meme l'office per my
 • le terre d'Ireland, come plus
 • pleine speire en le Rolls de
 • la Chancery, et come per le
 • Councell nostre dit Seigneur
 • le Roy adonques exteant ac-
 • cord fuist & assentu, come
 • plusors de euz loy bien reco-
 • lant. Quæ quidem petitio in-
 • dorsatur sic. — Soit Cest
 • petition maunde per breve di-
 rect

de Windsor, Governor and Custos of our land of Ireland, at Dublin, the 11th day of February, in the 49th year of our reign, &c. And the tenor of the Petition above mentioned in the Writ is as follows. — To you, our Lord Governor and Custos of Ireland, and to the other Sages of the Council. Our Lord, the King, according to the supplication of *Reginald de Hadser*, and *Robert Heiron*, that as they have been appointed Justices of labourers for two years past by commission of our Lord the King in the county of *Louth*, that it may please you to grant to the aforesaid *Reginald* and *Robert* a proper reward for their great charges and labour sustained by them in that time. And being much troubled, that their reward is not in certain limited and appointed by the said commission, that you would be pleased of your good Grace to grant unto them the third part of the issues accruing from the said office, as is granted to all those who have executed the said office through Ireland, as more fully appears in the Chancery Rolls, and as was accorded and agreed by the Council of our Lord the King then being, as many of them well remember — Which said petition is thus indorsed. — Let this Petition be sent by Writ directed to the Treasurer and Bachelors of the Exchequer, and then their Estreats being entirely returned, that they view and examine the sum of the Estreats leviable.

reft al Treafurer et Barons de Exchequer, et jllonque retournant leur eftreits entierement, queux veux ut examines foit le fome de des eftreits levable, mande per les dit Treafurer et Barons en le Chancelier, et de tiel Somme levable foit breve de liberate de chascune Partie. Quod quidem breve remittitur in Cancellaria prædictâ indorfatum in forma quæ fequitur, una cum petitione prædictâ. Prætextu hujus brevis, vifis et examinatis extractis Justiciariorum infra contentis in Scaccario *Hiberniæ* per eofdem Justiciarios miffis, examinantis per Barones Scaccarii prædicti, quod quidem extractum fe extendit ad summam 6l. 3s. 6d. de diverfis finibus et amerciamentis levabilibus in eifdem extractis contentis.

leviable, to be sent by the Treafurer and Barons into the Chancery, and of fuch fum leviable let a Writ of liberate iflue to each party. Which Writ was sent into the Chancery, and indorfed in the following form, together with the faid Petition.

—By vertue of this Writ, having viewed and examined the Eftreats of the Juftices contained underneath in the Exchequer of *Ireland*, and the fame were examined by the Barons of the faid Exchequer; which faid Eftreats amount to the fum of 6l. 3s. 6d. out of divers fines and amerciaments levied and contained in the faid Eftreats.

By this Record it is plain, that they in *Ireland* did conceive, that ftatutes made in *England* did bind in *Ireland*, though *Ireland* was not named in them. For they received them, and put them in execution, as thefe two ftatutes of labourers. For the Commiffion recites, that they were made Juftices for the ftatutes of Labourers lately made in our Councils and Parliaments at *Westminster* for the common profit of our Kingdom of *England*, and land of *Ireland*.

It is likewise to be obferved, that thefe ftatutes were not oppofed in Parliament in *Ireland*, as not binding there, or that firft they ought to be confirmed there, when the above mentioned petition was preferred by the faid *Hadfor* and *Heiron* to have allowance for their charges; but their request was granted, that they fhould have the 3d part of the iffues, &c. and that this had been done all *Ireland* over upon the execution of thefe ftatutes, as by their petition appeared. By which it is plain, that thefe ftatutes were executed in *Ireland* prefently after the making of them in *England*. For the ftatutes being made in the 23d and 25th *Edw. 3.* and
this

this Record being 49th *Edw.* 3. which recites, that allowance had been made formerly all *Ireland* over to all such Commissioners, it must needs follow, that shortly after the making of them they were then in *Ireland* executed.

Statutes made in *England* only, where *Ireland* is named, did bind in *Ireland* without any confirmation of them by Parliament in *Ireland*. The statute of the staple made in the 27th *Edw.* 3. in *England* doth name *Ireland*, and did bind in *Ireland* long before any confirmation of it there by Parliament. For within 5 years after the making of it in *England* it was executed in *Ireland*, and officers of the staple appointed according to that Act, as we may see by the Records following.

Rex Vicecomitibus; Seneschallis; Constabulariis; Præpositis; Ballivis, et aliis Ministris et fidelibus suis in ——— et alibi in *Hiberniâ*, salutem. Sciatis, quod cum per nos, Prælatos, Duces, Comites, Barones, et Communitates Regni nostri *Angliæ*, pro nostrâ, ac ipsius Regni nostri *Angliæ*, ac terrarum nostrarum *Walliæ*, et *Hiberniæ*, salute, Ordinatum est, quod stipula, lanarum, Coriorum, pellium, lanearum, et plumbi, in certis locis in dicto Regno *Angliæ*, in terrâ *Walliæ*, ac etiam in *Hiberniâ* (viz) apud *Dublin*, *Waterford*, *Drogheda*, & *Corke*, teneatur; nos de fidelitate et circumspectione affecti nobis *Richardi Segrave* confidentes constituimus ipsum *Robertum* Majorem dictæ stipulæ in eadem Civitate *Dublin*, ad dictam stipulam regendam, nec non ad cognoscendum et procedendum in placitis et querelis de eadem tenendis, et ad sigillum pro officio deputatum

The King to the Sheriff, Seneschals, Constables, Provoists, Bailiffs, and other his Ministers and faithful Subjects, in ——— and elsewhere in *Ireland*, greeting. Know ye, that whereas, by us, and by our Prelates, Dukes, Bishops, and Barons of our Kingdom of *England*, for our profit, as well as for that of our Kingdom of *England*, and of our lands of *Wales* and *Ireland*, it is ordained that the staple of wool, skins, wool-fells, and lead, should be kept in certain places in the said Kingdom of *England*, in the land of *Wales*, and also in *Ireland*, namely, at *Dublin*, *Waterford*, *Drogheda*, and *Corke*; we considering in the fidelity and circumspection of our beloved *Richard Segrave*, have appointed him Mayor of the said Staple in the said City of *Dublin*, to manage the said Staple, as also to inquire and proceed in the pleas and disputes to be held concerning the same, and to keep the Seal appointed for the said Office, and faithfully to do

tatum custodiendum, et ad omnia alia & singula in dicta Stapula ordinata, quam Majori, cæterisque Officiariis, et ministris ejusdem Stapulæ, sub magno sigillo nostro *Hiberniæ* in formâ patenti missimus observandum contenta, quatenus ipsum Majorem et Officium suum concernent, fideliter faciendum et exercendum, juxta formam et effectum Ordinationis ejusdem; Et ideo vobis mandamus, quod eidem *Richardo*, tanquam Majori dictæ Stapulæ dictæ Civitatis *Dublin*, in omnibus quæ ad officium illud, et ad vos & vestrum quemlibet in hac parte pertinent, intendentes sitis, respondentes & Auxiliantes in cuius, &c Teste *Almarico* Justitiario apud *Dublin* 100. die *Februarii*, Anno Regni nostri, 320.

do and execute all other and singular things ordained in the said Staple, which we have sent in form of Letters Patent to the Mayor, and other Officers and Ministers of the said Staple under our great Seal of *Ireland* contained to be observed, so far as concerns the said Mayor and his office, according to the form and effect of the said Ordinance. And therefore we command you that you be aiding and assisting to the said *Richard*, as to the Mayor of our Staple of the said City of *Dublin*, in all things belonging to the said office, and to you, and each of you, in this matter. In testimony, &c. Witness *Almarick*, our Justice, at *Dublin*, the 10th day of *February*, in the 32d year of our reign.

The like grant is made (mutatis mutandis) to *John Gransett* and *John Nash*, to be constables of the Staple of the City of *Dublin*, bearing the same date and teste

Rot. pat. 32. *Edw.* 3. indorso. *Robertus Mac-Miagh* habet commissionem de Officio Majoris Stapulæ Civitatis, ut supra de Majore Stapulæ *Dublin*.—Pat. 32. *Edward* 3d, on the back-side. *Robert Mac-Miagh* has a Commission for the office of Mayor of the Staple of the City of *Cork* as above of the Mayor of the Staple of *Dublin*.

Thomas Stoughton, et *Willielmus Spicer* habent Commissionem de officio Constabulariorum ejusdem sub eadem datâ.—*Thomas Stoughton*, and *William Spicer*, have a Commission of the office of Constables of the Staple of the same date.

That this statute was further executed in *Ireland* appears by this Record following.

Edw.

In bundell.
Brev. de 35.
Edw 3 in
tur. Berm.

‘ *Edw. &c.* Seneschallo libertatis *Midie*, salutem. Quia *Richardus de Exoniâ*, Dominus de *Stackallen*, die Martis in festo St. *Grego ii* Martiris Anno Regni nostri *Angliæ* 330. coram *Richardo Hadfor*, nuper Majore Stapulæ in villâ de *Droghedab*, *Roberto Moor*, & *Philippo Norton*, Constabulariis ejusdem Stapulæ, ad recognitiones debitorum in eadem Stapulâ accipiendos, deputatos, recognovit se debere *Roberto Babe*, Burgenſi de *Droghedab*, 100l. quas ei solviſſe debuit ad festum St. *Dunſtani* ex tunc proximè futurum, et eas ei nondum solvit, ut dicitur; tibi præcipimus, quod Corpus prædicti *Richardi de Exoniâ* (ſi laicus ſit) Capias, & in priſonâ veſtrâ, donec eidem *Roberto Babe* de debito illo Satisfaciatur, ſalvo custodiri facias, ac terras & tenementa, bona ac Cattle, prædicti *Richardi de Exoniâ* in Ballivâ tuâ, per Sacramenta proborum & legalium hominum de Ballivâ tuâ, per quos rei veritas melius ſciri poterit, juxta verum valorem eorundem in præſentiâ præſati *Roberti Babe*, vel attornati ſui pro parte inde præmunendi, ſi intereſſe voluerit, diligenter extendi & appretiare, et in manum noſtram ſeſſari facias, et ea præſato *Roberto Babe*, quousque ſibi de eodem debito fuerit ſatisfactum, liberari facias, tenenda juxta formam ſtatuti inde editi. Et qualiter hoc præceptum noſ-

trum

Edward, &c. To the Seneschal of the liberty of *Malh*, greeting. Whereas *Richard* of *Exeter*, Lord of *Stackallen*, on *Wednesday* on the feast of St. *Gregory* the Martyr, in the 33d year of our reign of *England*, before *Richard Hadfor*, late Mayor of the Staple of the town of *Drogheda*, and *Robert Moor* and *Philip Norton*, Constables of the same, deputed to take Recognizances of debts in the said Staple, acknowledged that he was indebted to *Robert Babe*, Burgeſs of *Drogheda* in 100l. which he ought to have paid him on the feast of St. *Dunſtan* thence next to come, and hath not yet paid him, as is ſaid; we command you, that you arrest the body of the ſaid *Richard* of *Exeter*, (if he be a Layman) and ſafely keep him in your priſon, until he ſatisfies the ſaid *Robert Babe* for the ſaid debt, and that you diligently extend and appraise, and ſeize into our hands, the lands and tenements, goods and chattles of the ſaid *Richard* of *Exeter* within your Ballywick, by the oaths of good and legal men of the ſame, by whom the truth can be beſt diſcovered, according to the true value of the ſame, in the preſence of the ſaid *Robert Babe*, or of his Attorney to be warned for that purpoſe, if he will be preſent, and the ſame to deliver over to the ſaid *Robert Babe*, until he receives ſatisfaction for the ſaid debt, to hold according to the form of the ſtatute in that caſe provided. And how this our precept

• trum fuerit executum nobis in
 • Cancellaria nostra *Hiberniæ*
 • die Martis proximæ post Festum
 • Cathedræ St. Petri proxime
 • futurum, ubicunque tunc
 • fuerimus in *Hiberniâ*, scire
 • facias per literas tuas sigillatas,
 • et habeas ibi tunc hoc
 • breve. Teste *Mauritio*, Comite
 • *Kildare*, locum tenente
 • *Jacobi le Botiller*, Comitis de
 • *Ormond*, Justiciarii nostri *Hiberniæ*,
 • apud *Dublin*, 30. die
 • *Februarii* Anno Regni nostri
 • 350. &c. In dorso brevis inscribitur sic. *Richardus de Exoniâ de Stackallen* non est
 • inventus in Ballivâ meâ ab
 • adventu istius brevis, ita quod
 • corpus suum capi potest. Ita
 • respondet *Johannes Hufse*, Seneschallus *Midie*.

• Inquisitio facta est de terris
 • & tenementis bonis & Catallis
 • ipsius *Richardi*, prout patet in
 • Schedulâ huic brevi confuta.
 • Responsum *Johannis Hufse*,
 • Seneschalli *Midie*.

precept shall be executed you shall signify to us by your sealed letters returned into our Chancery of *Ireland* on the *Wednesday* following the feast of the chair of St. *Peter* next, wherever we shall then be in *Ireland*, and that you then have there this Writ. Witness *Maurice*, Earl of *Kildare*, deputy to *James le Botiller*, Earl of *Ormond*, our Justice of *Ireland*, at *Dublin*, the 3d day of *February*, in the 35th year of our reign. — On the back of the Writ it is thus inscribed. — *Richard of Exeter of Stackallen* is not found within my Ballywick from the delivery of this Writ, so that his body might be arrested. So answers *John Hufse*, Seneschal of *Meath*.

An Inquisition was held of the lands and tenements, goods and chattles, of the said *Richard*, as appears in a Schedule annexed to this Writ — The answer of *John Hufse*, Seneschal of *Meath*.

By these records it appears, that by a statute made in *England* (for the commission to the Mayor of the Staple is, that by us the Dukes, Earls, &c. and commonalty of our Realm of *England* it is ordained for our Realm of *England*, and our lands of *Wales* and *Ireland*,) that *Ireland* is bound, and of that statute they take notice in *Ireland*, and execute that statute accordingly, without any confirmation of it there till long after the reign of K. *Edw.* 3. when all the statutes of *England* were confirmed by the statute of 8 *Edw.* 4. Chap. 1.

I shall cite only one statute more (tho' many other records might be cited to this purpose upon divers other statutes, which for brevity are omitted,) which is the forenamed statute of 3 *Rich.* 2. made in *England* for *Ireland* only, against Absentees, that such as had land in *Ireland*

should return and reside thereupon, upon pain of forfeiture of two thirds of the profits of their lands there; which statute was a long time executed in *Ireland* without any confirmation of it there by Parliament, and that without any scruple, as by the records following appears.

Rot. Rem. Anno 6 Rich. 2. Rot. 40. Rex Majori & Ballivis civitatis *Dublin*, Salutem. Principimus vobis, quod distringatis *Richardum Chamberlaine*, Civem *Dublin*, per terras, &c. Ita, &c. a die *S. Hillarii* in 15 dies, ad satisfaciendum nobis de 40s. quos nobis debet de pretio duarum partium fructuum Prebendæ de *Dunlavan*, quæ est *Johannis Ardery*, Clerici, extra terram *Hiberniæ* residentis, in mantum nostram ratione moræ ipsius *Johannis* extra terram predictam, contra formam ordinationis per nos et Concilium nostrum *Angliæ* in ultimo Parlamento nostro apud *Westminster* tento factæ, capte & existentis, et ad ulterius, &c. & habeas, &c. Datum 12^o Nov. Anno 6^o *Richardi* 2^{di}

Ibid. Rot. 42. Confimile breve versus *Stephanum Fleming*, & *Johannem Comin* Capellanum, Procuratorem & Attornatum Magistri *Nicholai Fleming*, Rectoris Ecclesiæ de *Dromconragh*, in Diocesi *Midenfi*, et Prebendarii de *Tacomfian*, in Ecclesiâ Cathedrali *Fernenfi*, extra terram *Hiberniæ* residentis, ad satisfaciendum, &c. de pretio fructuum & proven-
tuum Ecclesiæ & Prebendæ prædictarum 60. die Junii, 4^o.
Regis,

The King to the Mayor and Bailiffs of the City of *Dublin*, greeting. We command you to distrain *Richard Chamberlaine*, citizen of *Dublin*, by his lands, &c. so as, &c. On the *Quindene* of *S. Hillary*, to satisfy us for 40s. which he owes us out of the value of two parts of the Profits of the Prebend of *Dunlavan*, the property of *John Ardery* Clerk, residing out of the land of *Ireland*, seized and remaining in our hands by reason of the stay of the said *John* out of the said land, contrary to the form of the ordinance made by us and our Council of *England* in our last Parliament held at *Westminster*; and to do further, &c. and have, &c. dated the 12th of *November*, in the 6th year of King *Richard* the second.

The like Writ issued against *Stephen Fleming* and *John Comin* Chaplain, Proctor and Attorney of *Nicholas Fleming*, Rector of the church of *Dromconragh*, in the diocese of *Meath*, and Prebendary of *Tacomfian* in the Cathedral Church of *Ferns*, residing out of the land of *Ireland*, to satisfy, &c. of the value of the fruits and revenues of the said Church and Prebend, from the 6th day of *June* in the 4th year of the King, and from thence.

Regis, & deinceps, prout manuceperit, occasione mortis, &c. contra formam cujusdam ordinationis per nos et consilium nostrum Angliæ in Parlamento nostro apud Westmonasterium nuper tento factæ, existentis Datum 26. Aprilis Anno 6o. Richardi 2di. thenceforth, as he gave us security, on account of his stay, &c. against the form of a certain Ordinance made by us and our Council of England in our Parliament lately held at Westminster. Dated the 26th of April in the 6th year of Richard the second,

By this last Record it appears, that this statute being made in the third of Richard 2d, was presently executed there. For the said Fleming and Comin were to answer the King's profits of said Rectory and Prebend from the 6th of June in the 4th of his reign, and this was, for that the said Nicholas Fleming was absent out of Ireland——*Contra formam cujusdam ordinationis per nos & consilium nostrum Angliæ, in Parlamento nostro apud Westmonasterium nuper tento factæ,*——was absent out of Ireland against the form of an ordinance made in a Parliament lately held at Westminster, by us and our Council of England;——so that nothing can be more clear, than that an act in England made for Ireland did bind there without any confirmation made by Parliament there; and of the Execution of this statute of 3d. Richard 2d. both in the time of him, and his three next successors, there be hundreds of records remaining in the Remembrancer's office of the Exchequer; and yet this statute was never otherwise in that time confirmed but by receiving and executing it. Nay, which is more, it appears by a notable record in the time of Richard the 2d, that the law was declared to be, that an act made in England for Ireland could not be dispensed with by the Governors of Ireland; but suit must be made for it to the King and Council of England, and thereupon by the King's command directions given, as appears by the following record.

Rex Thesaurario, & Baronibus de Scaccario suo Hiberniæ salutem. Cum, inter cætera, in quodam Parlamento nostro apud Westmonasterium dudum tento facta ordinatio extiterit, quod omnes gentes, cujus-

The King to the Treasurer Pro Rege; and Barons of his exchequer of James Or-Ireland, greeting. Whereas, a-mond was among other things, an Ordination then Justice, nance was made in our Parliament lately held at Westminster. that all People, of what condi-

• cuiuscunque conditionis fue-
 • riāt, terras, redditus, benefi-
 • ciā, officia, aut possessiones
 • quācunque in terrā nostrā *Hib-
 • erniæ* habentes, se traherent
 • vēsus dictā terram, ita quod
 • essent ibidem ante festum na-
 • tivitatis. *S. Iohannis Baptis-
 • tæ*, Anno Regni nostri 30. et
 • ex tunc ibidem residerent &
 • morarentur in auxilium & for-
 • tificationem fidelium ligeorum
 • nostrorum ejusdem terræ, con-
 • trā malitiam *Hibernicorum* Ini-
 • micorum & Rebellum nostro-
 • rum ibidem, et quod omnes
 • alii, qui Castra & fortalitia ha-
 • beant in dictā terra, ea face-
 • rent reparari, et in statu com-
 • petenti tenere, et bonam &
 • securam custodiam in iisdem
 • pro salvatione eorundem po-
 • nerent sub periculo incum-
 • bent. Et si illi, qui iustus-
 • modi terras, redditus, benefi-
 • cia, officia, aut alias possesi-
 • ones quācunque in terra nos-
 • trā prædicta obtinent, ab ea-
 • dem terra post festum præ-
 • dictum ex rationabili causa ab-
 • sentes forent, tunc gentes de-
 • fensabiles loco eorum pro
 • tempore dictæ absentiæ suæ,
 • prout necessitas in hac parte
 • requirit, habito respectu ad
 • qualitatem & valorem dicta-
 • rum terrarum, reddituum, of-
 • ficiarum, beneficiorum, & pos-
 • sessionum prædictarum, ad ean-
 • dem terram defendendam mit-
 • tere et ibidem invenire tene-
 • rentur; quod si non facerent
 • duæ partes exituum et profi-
 • cuorum dictorum reddituum,
 • • Officiarum, Beneficiorum, et
 • • Possessionum

tion soever they were, having
 lands, rents, benefices, offices,
 or possessions whatsoever in our
 land of *Ireland*, should with-
 draw towards the said land, so
 as to be there before the feast
 of the Nativity of *St. John* the
 Baptist in the 30 year of our
 reign, and should from thence-
 forth reside and abide there in
 aid and defence of our faithful
 Lieges of the said land, against
 the malice of our *Irish* Enemies
 and Rebels there: And that all
 others, who have castles and
 fortresses in the said land, should
 cause them to be repaired, and
 hold them in a proper condi-
 tion, and should place therein a
 good and sufficient ward for
 their safe keeping, under the
 peril thereon incumbent. And
 if they, who obtain such lands,
 rents, benefices, offices, or other
 possessions whatsoever, in our
 said land, should for reasonable
 cause absent themselves from
 thence after the said feast, that
 they should be obliged to send
 and find there defensible Peo-
 ple in their places, during the
 time of their said absence, as
 necessity shall upon that occasion
 require, respect being had to
 the quality and value of their
 said lands, rents, offices, bene-
 fices, and possessions, to defend
 the said land; which if they
 did not do, two parts of the is-
 sues and profits of the said rents,
 offices, benefices, and possesi-
 ons should be levied, and con-
 verted to the custody and de-
 fence of the said land, by the
 advice of our Justices and Go-
 vernors

• Possessionum levarentur, & in
 • custodiâ & defensione terræ
 • prædictæ, juxta advisamen-
 • tum Justiciariorum & Guber-
 • natorum dictæ terræ, qui pro
 • tempore fuerint, converteren-
 • tur; excepto quod de bene-
 • ficiis eorum, qui sunt in servi-
 • tio nostro, vel in scholis Uni-
 • versitatis nostræ studentes, aut
 • ab eâdem terrâ ex causâ rati-
 • onabili de licentiâ nostrâ sub
 • magno sigillo nostro Angliæ
 • absentes fuere, nisi tertia pars
 • valoris dictorum beneficiorum,
 • ultra ordinaria & necessaria
 • onera eorundem, et hoc juxta
 • certificationem Ordinariorum
 • locorum eorum, pro custodiâ
 • & defensione ejusdem terræ
 • caperentur, prout in ordina-
 • tione prædictâ plenius conti-
 • netur. Ac jam intelleximus,
 • quod nonnullæ Personæ do-
 • minia, terras, redditus, bene-
 • ficia, possessiones, & officia,
 • infra eandem terram habentes,
 • extra terram nostram præ-
 • dictam a tempore ordinationis
 • prædictæ contra formam ejus-
 • dem, absentes sint, diversas
 • literas nostras patentes sigillo
 • nostro, quo utimur in terra
 • prædictâ, signatas, de licentiâ
 • se absentandi extra terram
 • prædictam habentes, et omnia
 • exitus, redditus & proficua,
 • dominiorum, terrarum, redditu-
 • tum, possessionum, et offi-
 • ciorum suorum prædictorum,
 • tempore absentiae suæ præ-
 • dictæ ad usus proprios recipere
 • et habere per certa tempora a
 • Justiciariis nostris terræ præ-
 • dictæ, ac aliis Gubernatoribus
 • ejusdem

vernors of our said land for the
 time being; excepting, that
 out of the benefices of those
 who are in our service, or are
 Students in the schools of our
 University, or are absent from
 the said land for reasonable
 cause by our licence under our
 great seal of *England*, only the
 third part of the value of the
 said benefices, beyond the or-
 dinary and necessary charges
 thereof, and that according to
 the certificate of the Ordinaries
 of the places, should be taken
 for the wardship and defence
 of the said land, as in the said
 ordinance is more fully contain-
 ed. And now we are given to
 understand, that some persons
 having Lordships, lands, rents,
 benefices, possessions, and of-
 fices, within our said land, have
 been absent from thence from
 the time of making the said or-
 dinance, against the form there-
 of, and have obtained divers
 letters patent, signed with our
 seal, which we use in our said
 land, for licence to absent them-
 selves, out of the said land, and
 to receive and take all the is-
 sues, rents, and profits of their
 Lordships, lands, rents, posses-
 sions, and offices, during the
 time of their absence, for cer-
 tain times appointed by our Jus-
 tices of the said land, and other
 our Governors there constituted
 in our name; and further, some
 of the said Absentees have pro-
 cured to be directed to you di-
 vers of our writs likewise sign-
 ed with our seal, lest you should
 in our said Exchequer trouble,

ejusdem tetræ nomine nostro
 constituta. Et super hoc ali-
 qui hujusmodi absentium di-
 versa brevina nostra sigillo nos-
 tro prædicto similiter signata,
 ne ipsos absentes contra
 vim & effectum dictarum li-
 terarum nostrarum coram vo-
 bis in dicto Scaccario in ali-
 quo impetieritis, molestaretis,
 aut gravaretis, vobis dirigi
 procurarunt; ceteri vero, ac
 eorum Procuratores, Attorna-
 ti, & Occupatores dominio-
 rum, terrarum, tenementorum,
 possessionum, beneficiorum,
 & officiorum dictorum
 Absentium hujusmodi literas
 de licentia se absentandi in
 forma prædicta coram vobis
 in dicto Scaccario monstra-
 runt, prætendendo se de exiti-
 bus et proficuis duarum par-
 tium possessionum suarum in
 terra prædicta erga nos ad
 idem Scaccarium exonerari,
 ac quietos fore, ordinatione et
 absentia prædicta non obstan-
 te; quarum prætextu vos ad
 levationem duarum partium
 exituum & proficuum præ-
 dictorum ad opus nostrum, in
 auxilium & sustentationem gu-
 errarum & gubernationis tæ-
 ræ prædictæ, faciendam, hu-
 cusque distulistis, et adhuc
 differtis, in nostri damnum
 præjudicium & jacturam, &
 contra formam ordinationis
 prædictæ, maxime cum in e-
 dem ordinatione plenius & ex-
 pressè continentur, quod hu-
 jusmodi Absentes, si erga nos
 exonerari deberent, literas sub
 magno Sigillo nostro Angliæ

molest, or grieve them, against
 the force and effect of our said
 letters: and others also, and
 their Proctors, Attorneys, and
 Tenants, of their Lordships,
 lands, tenements, possessions,
 benefices, and offices, of the
 said Absentees, have produced
 to you in our said Exchequer
 such letters licensing their ab-
 sence in form aforesaid, pre-
 tending that they ought to be
 exonerated and quieted from
 paying the issues and profits of
 two parts of their possessions in
 the said land against us in the
 said Exchequer, notwithstanding
 the said Ordinance and their
 absence; under which pretence,
 you have hitherto delayed, and
 yet do delay, to levy the said
 two parts of the said issues and
 profits to our use, in aid and
 support of the War and govern-
 ment of our said land, to our
 damage, prejudice, and loss,
 and against the form of the said
 ordinance, more especially, as
 in the said ordinance it is fully
 and expressly contained, that
 such Absentees, if they ought
 to be exonerated towards us,
 that they should have licences
 of absence under our great Seal
 of *England*; and furthermore,
 that our said Justices and Go-
 vernors of our said land, for the
 time being, have not power to
 remit, relax, pardon, or other-
 wise to overthrow, what hath
 been ordained by Us and our
 Council in *England* in our Par-
 liaments for the reforming of
 our said land, without protec-
 tion made for the same to us
 and

de licentia absentia suæ haberent, et insuper, quod dicti Justiciarii & Gubernatores nostri terræ prædictæ, pro tempore existentes, potestatem non habent quicquid per nos & consilium nostrum in Anglia in Parliamentis nostris pro emendatione terræ nostræ prædictæ ordinantur, remittere, relaxare, pardonare, seu aliter pervertere, absque prosecutione inde erga nos & consilium nostrum Angliæ facta, et mandato nostro inde directa. Ac volentes proinde quod nobis de exitibus et proficuis duarum partium, sive tertiæ partis, quorumcunque dominiorum, terrarum, tenementorum, reddituum, possessionum, beneficiorum, & officiorum universorum & singulorum absentium extra terram prædictam, a tempore ordinationes prædictæ, et deinceps, juxta formam ejusdem ordinationis, ad opus nostrum integrè leventur & recipiantur, literis nostris, aut brevibus prædictis, ante hoc tempus factis, seu in posterum per Justiciarios nostros terræ prædictæ, qui pro tempore fuerint, Sigillo nostro *Hibernia* prædicto Sigillandis, conficiendis, non obstantibus. Et ideo vobis mandamus, quod ad levationem dictarum duarum partium, sive tertiæ partis, dictorum exituum & proficuum cum omni celeritate, juxta formam ordinationis prædictæ, qua fieri poterit, secundum legem & consuetudi-

and our Council of *England*, and our mandate for that purpose directed to them; and we being for this cause willing, that out of the issues and profits of two parts, or of the third part, of all Lordships, lands, tenements, rents, possessions, benefices, and offices, of all and singular Absentees out of the said land, from the time of the said ordinance, and afterwards, should be levied and received to our use, notwithstanding our letters and writs before this time made, or hereafter by our Justices of our said land for the time being to be made and sealed by our said seal of *Ireland*. And therefore we command you, that you proceed to levy the said two parts, or the third part of the said issues and profits, with all speed possible, in pursuance to the form of the said Ordinance, according to the laws and customs of our said land, notwithstanding our said letters patent and writs. Witness the said Justice at *Kilkenny* on the 20th day of *September*.

By the Justice and Council,

• nem terræ nostræ prædictæ,
 • procedatis, literis patentibus
 • & brevibus nostris prædictis
 • non obstantibus Teste præ-
 • fato Justiciario apud *Kilkenny*,
 • 20. die *Septembris*. Per ip-
 • sum Justiciarium & Consili-
 • um.

The main and chief end in raising all these records is to prove, that before any confirmation of the statutes of *England* and *Ireland* by Parliament there, they were there received and executed, and that notwithstanding those statutes, which the Author supposes were made there, whereby the statutes of *England* should not be binding in *Ireland* without consent of the Parliament there, yet after that, statutes made in *England* only both where *Ireland* was not named, and also in those where *Ireland* was named, and statutes made in *England* for *Ireland* only, were received and executed there, notwithstanding any such supposed statute as the Author speaks of; and therefore, if any such there were, yet, even by the Judges of *Ireland*, were they esteemed void also, would they not some time or other have made question of the executing the statutes of *England* there? But every ordinary understanding man would perceive, that seeing the Parliaments in *England* did bind *Ireland*, Parliaments in *Ireland* could not bind *England*, or take away that power from them, which they had formerly over them. And therefore *Ireland* hath ever been, and still is subject to the statutes of *England*, unless the Author can shew us how, and when, the law was altered, which I believe he never will be able to do. One thing more by the way may be observed, what inconveniency, mischief, and prejudice his Majesty and the whole Kingdom may receive, if the laws made in *England* should not bind in *Ireland*; for then nothing could be established there for a law but what themselves would have; so that if his Majesty would have any further laws made there, either for the true worship and service of God, or for the advancing of his just Revenues, and for the good and settlement of the kingdom, yet he shall be able to effect nothing unless they please, and what their pleasure is they have made all the *British* Protestants too sensible

sensible of by their actions. There is none that knows *Ireland* but well understands, how that kingdom did flourish, and grow rich and plentiful by the *British* plantations there, how his Majesty's yearly revenue grew to a considerable sum, how the kingdom began every where to be civilized by the mixture of the *English* among the Natives, and we now see how all is utterly destroyed by them, and nothing but misery and desolation through the whole kingdom. And yet the King, being intitled before the rebellion to the greatest part of the Province of *Conaught*, and to part of some other Counties, and since the Rebellion, to the greatest part of the whole kingdom, he may yet again raise a great and just yearly revenue thereout, and, by God's blessing, in time make it again a flourishing kingdom. But if they, which have forfeited both their estates and lives to his Majesty may have a free Parliament, as they call it, before some person acceptable to them, and have *Poining's Act* of 10. *Hen. 7.* and all statutes enlarging the same, suspended, as they desire in their remonstrance at *Trim* the 17th of March 1642, and yet themselves out of the reach of the Parliament of *England*, it cannot be so much as thought, that they who shall be of such a Parliament, and who have done so much already, and expressed what they would further to be done, will rather root out the Protestant Religion, with all the *British* Professors thereof, than suffer any of them so much as to remain in *Ireland*, and will make such Laws, as shall be agreeable only to their own humours, and make the King beholden to them, if they shall please to give him any little pittance of that, which is now all his right, or of which, if he shall restore any part to them, or give them their lives, they must acknowledge it to be only from his Majesty's bounty and mercy to them. And therefore, the Law being, as is formerly proved against the Author, and it being so inconvenient, mischievous, and prejudicial, that it should be otherwise, there cannot be so much as any good reason shewed, why any other construction should be now made of it, or why it should be altered, which, if it should, may tend in so high a degree to the prejudice of the true worship of God, his Majesty's Honour and Profit, and the hurt and ruin of that kingdom.

But

But it may be objected, that this were a most unreasonable thing, that the statutes in *England* should bind in *Ireland*, being another kingdom, where they are not named. For how can it be supposed, that they in *Ireland* can have any notice of the statutes made in *England*, and how is it possible they should obey them?—Answer. That in truth it were a hard case, that Acts in *England* should bind in *Ireland*, where they are not named, unless they had notice of them. Therefore care was taken, and it was observed in *England*, that statutes made there, which were thought fit to be executed in *Ireland*, were sent from thence under the King's Seal to the Chancellor of *Ireland* to be enrolled in the Chancery there, and commanded to be published in every County in that land, and firmly to be observed; and from the time of the publication of them they were of force there, and there executed. A precedent of this is in *Davis*

(b) Discov. (b) in the time of King *Edw. 1.* And in *Anno 35. Edw. 1.* Rot. 16. in *Bermingham* tower, the statutes de *Assportatis Religioforum* are by the like writ sent thither, and commanded to be put in execution. The like precedent is in the Red Book of the Exchequer in *Ireland* of statutes made in *England*, and transmitted into *Ireland* in the 17th of *Edw. 2.* which was but four years after this supposed statute of 13th of *Edw. 2.* which precedent followeth.

Memorandum, quod 4^o. die Maii, anno *Edw. filii Regis Edw. 17^o.* Dominus Rex mandavit Cancellario suo *Hibernie* quædam statuta apud *Lincoln* et *Eboracum* edita, et eadem publicari & observari præcepit per breve, quod sequitur in hæc verba.

‘ *Edwardus*, &c. Cancellario suo *Hibernie* salutem. Quædam statuta per nos, de assensu Prælatorum, Comitum, Baronum, et Communitatis Regni nostri apud *Lincoln*, et quædam alia statuta postmodum apud *Eboracum* facta,

quæ

Memorandum, that on the 4th day of *May*, in the 17th year of the reign of *Edward*, Son to King *Edward*, the King sent to his Chancellor of *Ireland* certain statutes made at *Lincoln* and *York*, and commanded them to be published and observed therein by the following writ.

Edward, &c. to his Chancellor of *Ireland*, greeting. We send to you under our Seal certain statutes made by us at *Lincoln*, by the assent of our Prelates, Earls, Barons, and Commons of our kingdom, and certain other statutes made afterwards at *York*,

York,

quæ in dictâ terrâ nostrâ *Hiberniæ*, ad communem utilitatem Populi nostri ejusdem terræ, observari volumus; vobis mittimus sub sigillo nostro, mandantes, quod statuta illa in Cancellariâ nostrâ custodiri, ac in rotulis ejusdem Cancellariæ irrotulari, et sub sigillo nostro, quo utimur in *Hiberniâ*, in formâ patentium exemplificari, et ad singulas placeas nostras in terrâ prædictâ, et singulos Comitatus ejusdem terræ, mitti faciatis per brevja nostra sub dicto sigillo Ministris nostris placearum illarum, et Vicecomitibus dictorum Comitatum, mandantes, quod statuta illa coram ipsis publicari, et ea in omnibus & singulis suis articulis, quantum ad eorum singulos pertinet, firmiter faciatis observari. Teste meipso apud *Nottingham* 20^o. die *Novembri*, anno Regni nostri 17^o. Per ipsum Regem et Consilium.

York, which we will should be observed in our said land of *Ireland*, for the common profit of the people thereof; commanding, that the said statutes should be kept in our Chancery, and inrolled among the rolls there, and be exemplified under the Seal which we use in *Ireland* in form of letters patent; and that you cause them to be sent to every of our places, and into every County of that land, by our writs under the said Seal, to the Ministers of our said places, and to the Sheriffs of the said Counties, commanding, that you cause the said statutes to be published before them, and to be firmly observed in every article of them, as far as appertaineth to each of them. Witness myself at *Nottingham* on the 20th day of *November*, in the 17th year of our reign. By the King and Council.

And after this writ are the statutes of *Lincoln* and *York* entered in the Red Book of the Exchequer.

That the statutes of *England*, after their sending over, and publishing, as aforesaid, were of force in *Ireland*, and executed there, appears by the following Records among others.

Upon an information in the Exchequer, that the Predecessors of the Prior of the house of St. *Michael* in *Dublin* had purchased certain lands in *Lougher*, post statutum *Dominici Regis editum*, quod terræ et tenementa non devenirent ad manum Mortuam,—after the statute of Mortmain was published,—a writ issued to the Exchequer, that per sacramentum proborum & legalium hominum inquireret inde rei veritatem, & si invenerit ita esse, tunc prædictas terras capiat

34. Edw. 1.
Rot. 17. in
tur. Ber-
ming.

piat in marus Domini Regis,—that an inquiry should be held and the truth found out by oath, and if it were found to be so, then that they should seize the said lands into the King's hands—which enquiry was accordingly had, and the Jury found, *quod Prædecessores prædicti Prioris habuerunt ingressum in prædictis tenementis diu ante statutum prædictum promulgatum in hac terrâ*,—that the Predecessors of the said Prior entered into the said tenements long before the promulgation of the said statute in this land.—By which it appears, that if the purchase had been made after the publishing of the statute, the lands had been seized as forfeited by virtue of that statute.

Office Rem. Anno 6th Edw. 2. in the Exchequer, a writ *ad quod*
6th Edw. 2. *damnum* issued to *John Wogan*, Lord Justice, *vel ejus locum*
Ro. 20. *tenenti*, or to his Deputy, commanding, that he should inquire *per sacramentum proborum et legalium hominum de ballivâ suâ si sit ad damnum vel præjudicium nostrum*, &c.—on the oaths of honest and legal men of his balliwick, if it be to our damage or prejudice, &c.—if he should grant to the Prior of the house of St. Leonard of Dundalk four acres of pasture, which formerly he had purchased of the cominalty of Dundalk without licence, &c. for which they were seized into the King's hands, as he was informed. Upon which a Jury was impanelled and sworn, who found that it was not to the damage of the King to regrant the said four acres to the said Prior, but rather to his profit, for celebrating *divina pro animabus Regum*, &c.—divine service for the souls of the Kings, &c.

• Et dicunt etiam, quod Antecessores *Theobaldi de Verdun*,
• nullitis, cito post conquestum
• *Hiberniæ*, qui habuere diversas terras in *Urgalia*, primo
• incorporaverunt Villam de
• *Dundalk*, et ibi fecerunt diversos Burgenſes, et ipsos fe-
• offaverunt de diversis Burgagiis, et bundas eis assignaverunt,
• reddendo eis et eorum hæredibus 12d. de quolibet
• Burgagio, pro omnibus serviitiis. Et prætextu concessionis
• eisdem

And they say also, that the Predecessors of Sir *Theobald de Verdun*, soon after the conquest of Ireland, who had divers lands in *Urgal*, first incorporated the town of *Dundalk*, and constituted there divers Burgesſes, and inſeoffed them with divers Burgages, and assigned bounds to them, rendering to them and their heirs 12d. out of each Burgage, in lieu of all services. And that by virtue of the grant made to the said

Bur-

• eisdem Burgenfibus factæ
 • certa tenementa prædictæ
 • Villæ assignabantur ad com-
 • muniâ pasturæ ibidem ha-
 • bendam, et pro indiviso te-
 • nendam in perpetuum, absque
 • aliquo redditu seu servitio
 • quocunque eis, vel hæredi-
 • bus suis, pro hujusmodi com-
 • muniâ pasturæ faciendo. Et
 • prædictæ 4 acræ terrarum,
 • cum pertinentiis, fuere quæ-
 • dam pars communiæ pasturæ
 • Villæ prædictæ. Et dicunt,
 • quod Prior St. *Leonardi* de
 • *Dundalk* acquisivit prædictas
 • 4 acras pasturæ, cum perti-
 • nentiis, a prædictis Burgenfi-
 • bus et Ballivis et totâ commu-
 • nitate de *Dundalk*, ex una-
 • nimi assensu eorundem in li-
 • beram puram & perpetuam
 • elemosinam. Et quia præ-
 • dictus Prior, sine licentiâ Do-
 • mini Regis, prædictas 4 acras
 • pasturæ, cum pertinentiis, ad-
 • quisivit post publicationem
 • statuti Domini Regis, Patris
 • Domini Regis nunc, de terris
 • et tenementis ad manum
 • *Mortuam* non ponendis, editi,
 • Escheator Domini Regis in
 • *Hiberniâ* prædictas 4 acras
 • pasturæ, cum pertinentiis sei-
 • sivit in manum Domini Regis,
 • in cujus manu adhuc existunt
 • occasione prædictâ, &c. Et
 • sciendum, quod prædicta in-
 • quisitio, una cum brevi, li-
 • beratur *Adæ Goodman*, At-
 • tornato prædicti Prioris, de-
 • ferenda Domino Regi in *An-*
 • *gliâ*.

Burgessees certain tenements of
 the said town were assigned for
 a common of pasture to be had
 there, and to be held undivid-
 ed for ever, without any rent
 or service to be paid to them or
 their heirs for such common of
 pasture. And the said 4 acres of
 land, with the appurtenances,
 were a part of the common
 of pasture of the said town.
 And they say, that the Prior of
 St. *Leonard* of *Dundalk* pur-
 chased the said 4 acres of pas-
 ture, with the appurtenances,
 from the said Burgessees and
 Bailiffs, and the whole commu-
 nity of *Dundalk*, by their u-
 nanimous consent, in free pure
 and perpetual alms. And be-
 cause the said Prior purchased
 the said 4 acres of pasture,
 with the appurtenances, with-
 out the King's licence, after
 the publication of the statute of
Mortmain made by our Lord
 the King, Father of our Lord
 the King that now is, the
 King's Escheator in *Ireland*
 seized into the King's hands the
 said 4 acres of pasture, with
 the appurtenances, in whose
 hands they yet remain on the
 said account. And be it known,
 that the said inquisition, toge-
 ther with the writ, was deli-
 vered to *Adam Goodman*, At-
 torney of the said Prior, to be
 carried to the King into *Eng-*
land.

By

By these records it is evident, that statutes made only in *England*, although *Ireland* was not named (as in this statute of *Mortmain* made the 7th of *Edw. 1.* it was not) yet only by the publishing of them in *Ireland* they were of force, and there executed, without any other confirmation by Act of Parliament in *Ireland*, or any thing else there done; which is the rather to be observed in respect to that, which shall be hereafter said concerning the exposition of the statute by the Author cited.

And these Precedents alone are enough to satisfy any reasonable man, that the statutes of *England* did bind in *Ireland* after they were there published, without any confirmation of them by Parliament there, and the Records before mentioned do make it apparent without contradiction.

The Author for confirmation of his opinion, that *Ireland* is not bound by the statutes made in *England*, till they are confirmed there by Parliament, cites two year books, the
 20. *Hen. 6.* fol. 8.
 first is the 20th of *Hen. 6.* fol. 8. out of which all that can be in truth observed is only the opinion of two Judges against two, but no judgment: for although the first Judge delivers not any opinion, whether a statute made in *England* binds *Ireland*, (nor do any of them deliver any opinion, that a statute made in *England* cannot bind *Ireland*, but only two of them say, that a statute made in *England*, *exempli gratia*, for a tenth, which is made for *England*, doth not bind *Ireland*) but the Defendant having pleaded a prescription, that the Justice of *Ireland* hath power to assemble Parliaments, and to make laws, that a Parliament was summoned; and a law made, that every Officer should by a certain day occupy his said Office in person, or forfeit it, and that the Plaintiff in the *Scire facias* occupied the office in question by a Deputy, and thereupon his grant became void, and the office was granted to the other. Upon this plea the Plaintiff demurred, and upon this demurrer *Ascough* grounds his opinion. For by the demurrer (says he) the Plaintiff confessed the Defendant's plea to be true; and because the Plaintiff did not deny the prescription, therefore it should be intended by them, that there is such a custom in *Ireland*; because it is a land, in which they are not bound in *England* to take notice what is the law there, but only by the party's allegation, and therefore his opinion is only upon the pleadings,
 and

and not upon the matter, whether a statute in *England* binds *Ireland*; neither doth the matter indeed properly come into the case. Therefore, there being no judgment given in that case, but only opinions of two against two, and that it may be on the sudden, which upon more serious consideration they might well alter, this case adds no strength at all to his opinion.

Upon this case the Author observes three points, as he calls them. First, that the Council in *Ireland* had power, in the absence or vacancy of a Lieutenant, &c. to elect a Justice. Secondly, that the Justice had power to summon a Parliament, and to enact laws without commission from the King; which two points may be granted him, as being not pertinent to the case in question. Thirdly, that statutes made in *England* do not bind in *Ireland*, unless approved there. This (as I said before) is only the Substance of the opinion of two Judges, and the contrary whereof hath been evidently proved before. And it appears plainly by that very case, that these two were mistaken in their opinions. For, if the Author had well observed it, this very case doth prove as much, and overthrows the strength of his argument. For, if *Ireland* be a kingdom separate from *England*, with which they of *England* have nothing to do, and that the Government there cannot bind in *Ireland*, how comes it to pass, that a suit should be there commenced, and plea holden in an ordinary court of Justice for an office in *Ireland*, and against which there is no exception taken? And therefore, as it seems agreed by all the five Judges, that they might hold plea of things in *Ireland*, and then it may be as well for lands in *Ireland*, as for an office there. And if they in *England* have power to hold plea in the Courts of Justice there for things in *Ireland*, as by this case it appears they have, doubtless *Ireland* is bound by the judgments of the Courts of Justice in *England*, or otherwise it would have been ridiculous in them to hold pleas of things, with which they had nothing to do, and of which, if they had given judgment, they could not award execution.

If the King grants an office in *Scotland*, a *Scire facias* will not lye out of the Chancery of *England* to avoid it. Because *Scotland* is a kingdom divided and separated from *England*, whose laws are not current there. But it appears
in

in this case to be otherwise for *Ireland*; for the Courts in *England* hold plea of an office granted in *Ireland*.

We find also, that the other Courts of Justice in *England* had power to execute in *Ireland* their judgments given in *England*. As in the Judicial Register fol. 43. b. a *Fieri facias* against the Archbishop of *Dublin*, directed to the Justice of *Ireland*, upon a judgment given in the Common Pleas in *England*.

• Rex Justiciario suo *Hiberniæ*
 • salutem. Cum nuper Vice-
 • comiti nostro *Midie* præcipe-
 • rimus, quod de terris & ca-
 • tallis *Roberti Wickford*, Cle-
 • rici, jam Archiepiscopi *Dub-*
 • • *lin*, in ballivâ suâ fieri faceret
 • 10*l.* et illas haberet co-
 • ram Justiciariis nostris apud
 • • *Westmonasterium* 15 â. paschæ
 • proxime præteritæ, ad red-
 • dendum *Thomæ de R.* Clerico,
 • de arreagiis cujusdam annui
 • redditus 10*l.* quas idem *T.* in
 • Curia Domini *Edwardi*, nu-
 • per Regis *Angliæ* (viz) ter-
 • mino S. *Mich.* anno Regni sui
 • 330 coram *R. de T.* et sociis
 • suis, tum Justiciariis ejusdem
 • avi nostri de Banco, per con-
 • siderationem ejusdem Curie
 • recuperaverit versus eum, sin-
 • gulis annis ad festum S. *Michaelis*
 • solvendas, quas quid-
 • dem 10*l.* eidem *Thomæ* sol-
 • visse debuit ad festum S. *Michaelis*
 • proxime præteritum,
 • et eas ei nondum solvit, ut
 • dicitur. Et idem Vicecomes
 • præfatis Justiciariis nostris,
 • &c. ad diem illum mandavit,
 • quod præfatus *Robertus*, Cle-
 • ricus, fuit Archiepiscopus
 • • *Dublin* in *Hiberniâ*, et nullas
 • habuit terras aut tenementa,
 • • bona, aut catalla, in ballivâ
 • • sua,

The King to his Justice of *Ire-*
land, greeting. Whereas we
 commanded our late Sheriff of
 the county of *Meath*, that he
 should levy 10*l.* out of the
 lands and chattles of *Robert*
Wickford, Clerk, now Arch-
 bishop of *Dublin*, lying in his
 ballywick, and return them to
 our Justices at *Westminster* on
 the quindene of *Easter* next fol-
 lowing, to pay them over to
Thomas de R. Clerk, out of the
 arreages of a certain annual
 rent of 10*l.* which the said
Thomas in the Court of King
Edward, late King of *England*,
 viz. in *Michaelmas* term in the
 33d year of his reign before
R. de T. and his colleagues,
 then Justices of the Bench of
 our said Grandfather, recover-
 ed by judgment against him,
 payable every year on the feast
 of St. *Michael*; which 10*l.* he
 ought to have payed to the
 said *Thomas* on the feast of St.
Michael last past, and has not
 yet paid him, as it is said. And
 the said Sheriff on the said day
 returned to our said Justices,
 &c. That the said *Robert*
Wickford, Clerk, was Arch-
 bishop of *Dublin* in *Ireland*, and
 had no lands or tenements,
 goods or chattles within his
 ballywick,

' sua, unde aliquid denariorum balliwick, from whence any
 ' fieri potuerit. Et cum hoc money could be levied. And
 ' testatum extiterit in eadem whereas it was alledged in our
 ' Curia nostra ex parte ejusdem said Court on the part of the
 ' *Thomæ*, quod idem *Robertus* said *Thomas*, that the said *Ro-*
 ' Archiepiscopus *Dublin* in *Hi-* bert was Archbishop of *Dublin*
 ' *berniâ* fuit, et in terrâ nostrâ in *Ireland*, and had divers goods
 ' *Hiberniæ* habuit diversa bona and chattels, lands and tene-
 ' et catalla, terras & tenementa, ments in *Ireland*, both of his
 ' tam de perquisito suo proprio, own purchase, and of his said
 ' quam ratione Archiepiscopatu- Archbishoprick, out of which
 ' tus sui prædicti, unde præ- the said 10*l.* could be levied,
 ' dictæ 10*l.* fieri potuerint, et therefore we command you,
 ' ideo vobis mandamus, quod that you levy the said 10*l.* out
 ' de terris et catallis ejusdem of the lands and chattels of the
 ' *Roberti*, jam Archiepiscopi, in said *Robert*, now Archbishop,
 ' terrâ nostrâ *Hiberniæ* fieri fa- in our land of *Ireland*, and have
 ' cias prædictas 10*l.* et illas ha- them before, &c. on the oc-
 ' beas coram, &c. in octabis tave of *Michaelmas*, to render
 ' *Michaelis* ad reddendum præ- to the said *Thomas*, out of the
 ' fato *Thomæ* de arrearagiis red- arrearages of the said rent, and
 ' ditus prædicti, et habeas ibi have this writ there. Witness,
 ' hoc breve. Teste, &c. &c.

The like we find in the 33d of *Edw. 1.* of a judgment ^{33. *Edw. 1.*}
 given in the Exchequer in *England*, and execution awarded ^{Rot. 24. in}
 into *Ireland*, as appears by the following Record. ^{cur. *Erin.*}

' Dominus Rex mandavit breve The King sent his writ in these
 ' suum in hæc verba. *Edward-* words. *Edward*, by the grace
 ' *us*, Dei gratiâ, &c. fide- of God, &c. to his faithful
 ' bus suis, *Johanni Wogan*, subjects, *John Wogan*, his Jus-
 ' Justiciario suo *Hiberniæ*, & tice of *Ireland*, and to his
 ' Thesaurario & Baronibus suis Treasurer and Barons of the
 ' de scaccario, salutem. Man- Exchequer there, greeting. We
 ' damus vobis, quod tam de command you, that you levy
 ' illo redditu *Gulfridi de Gene-* 21*3l.* as well out of that rent
 ' *vil* ad valentiam 24*l.* de ter- of *Geoffry de Geneville* to the
 ' mino *S. Michaelis* proximè value of 24*l.* which lately, as
 ' præterito, quem nuper ad of *Michaelmas* term last past,
 ' mandatum nostrum in manum by our command you caused to
 ' nostram capi fecistis apud be seized into our hands at
 ' *Maynoth*, per Vicecomitem *Maynoth* by our Sheriff of *Kil-*
 ' nostrum *Kildare*, et tam de *dare*, and also out of those
 ' PART II. illis K goods

illis bonis & catallis *Jobannis Fitz-Thomas*, ad valentiam 12l. 13s. 4d. ut in frumento, avenis, bobus et affris, quæ similiter in manum nostram capi fecistis apud *Maynoth*, per eundem Vicomitem nostrum, prout nos returnastis coram Thesaurario et Baronibus nostris *Angliæ* apud *Eborum*, in Crastino animarum proximè præterito, quam de aliis bonis et catallis, terris, redditibus, & tenementis prædicti *Gulfridi* et *Jobannis*, in quorumcunque manus existant in dictâ terrâ nostrâ *Hiberniæ*, fieri faciatis 213l. quas debent *Agneti de Valentia* de quodam debito quadringenta viginti et sex librarum, et quas eadem *Agnes* in Curia nostrâ, coram prædictis Thesaurario & Baronibus nostris *Angliæ*, per considerationem ejusdem Curie nostræ, recuperavit versus prædictum *Gulfridum*, *Johannem*, & *Willielmum de Edingles*, & *Thomam de Samford*, prout nobis constat per inspectionem Rotulorum ejusdem scaccarii nostri, ita quod denarios prædictos absque dilatione levare & liberari faciatis prædictæ *Agneta*, aut suo certo Attornato in *Hiberniâ*, in partem solutionis debiti prædicti; & quid super hoc feceritis præfatis Thesaurario et Baronibus nostris *Angliæ*, apud

goods and chattles of *John Fitz-Thomas*, to the value of 12l. 13s. 4d. as in wheat, and oats, oxen, and plow cattle, which in like manner you caused to be seized into our hands at *Maynoth* by our same Sheriff, of which you made a return to us before our Treasurer and Barons of *England* at *York* on the morrow of *All-Souls* last past, as out of other goods and chattles, lands, rents, and tenements of the said *Geoffry* and *John*, into whose ever hands they are in the said land of *Ireland*; which said sum of 213l. they owe to *Agnes de Valentia* out of a certain debt of 426l. which the said *Agnes* recovered in our Court before our said Treasurer and Barons, by Judgment of the said Court, against the said *Geoffry* and *John*, and *William de Edingles*, and *Thomas de Samford*, as appears to us by inspection of the Rolls of our said Exchequer; so that without delay you levy and deliver over the said money to the said *Agnes*, or to her certain Attorney in *Ireland*, in part payment of the said debt; and that you signify what you shall do hereupon to our said Treasurer and Barons of *England* at *Westminster* on the morrow of the Holy Trinity next, at the same time sending back to us this writ. Witness *Thomas de Carleton*, at *York*, on the 14th of

' apud *Westmonasterium*, in of *November*, in the 32d year
 ' *crastino S. Trinitatis proximo* of our reign.
 ' futuro constare faciatis, re-
 ' mittentes tunc hoc breve.
 ' Teste *Willielmo de Carleton*
 ' apud *Eboram* 14^o. die *No-*
 ' *vembris*, anno Regni nostri
 ' 32^o.

By this Record it appears; that writs out of the Exchequer of *England* were not only awarded into *Ireland*, but there executed, and returns made of them into the Exchequer in *England*; as is recited in this writ.

In the Year Book of the 20th *Edw.* 3. fol. 42. it is said by *Sharde*, that in a writ of Dower a plea in bar was pleaded, and accepted, that she had received her dower of tenements taken in exchange, and yet the tenements were in *Ireland*, see 8. *Affize p.* 27. to that purpose. By which it appears, that an exchange of lands in *England* for lands in *Ireland* is a good exchange in law, and that a receiving of dower in *Ireland* of the lands exchanged for the lands in *England* is a bar to have dower of the lands in *England* so exchanged; which doubtless could not be, if *Ireland* had not been a part and member of *England*, but a separate kingdom, of the doings whereof the laws of *England* could not take notice, which we may also collect out of the said books.

In the 19th of *Hen.* 6. fol. 53. the case is put, that if the King by patent gives to me certain lands in *Ireland*, and another brings a *Scire facias* against me, to shew cause why my patent should not be repealed, for that the King by a prior patent had granted the same lands to him, whereupon we are at issue, that it is not the same land. This issue shall be tried in *Ireland* by proccesse made out of the King's court, and afterwards all shall be recovered. And although in the 32d. of *Hen.* 6. fol. 25, 26. there is an opinion of *Fortescue*, which seems contrary, yet it is grounded upon a double mistake, First, that *Ireland* was never ruled according to the course of the Common Law of *England*, which is a mistake; for they never had any other rule since the conquest, but according to the course of the Common Law of *England*, as appears by the old statutes before cited, and

by the foresaid Records, &c. by *Coke's Institutes*, fol. 141. The second mistake is, that in the book of the 32d of *Hen.* 6. it is said, that no proceſſe may be made, nor ever was made into *Ireland*, the contrary of which appears in many precedents formerly cited in this diſcourſe.

In the 45th of *Edw.* 3. fol. 19. a ſuperſedeas, and after a procedendo, was directed into *Ireland* in a *Quare Impedit*. And if we credit the book in the 13th of *Edw.* 2. *Fitzherbert*, title *Bastardy*, p. 25. a Son begotten and born within eſpouſals, although the Father was in *Ireland* when he was begotten, is a Mulier and not a baſtard.

In the late caſe of the Lord *Kilmallock*, late Chief Juſtice of the Common Pleas in *Ireland*, in the Star-Chamber of *England*, notwithstanding he demurred to the juriſdiction of that Court, and though the whole matter, with which he was charged, was tranſacted in *Ireland*, yet his demurrer was over-ruled, and upon hearing he was cenſured in that Court, and writs iſſued into *Ireland* for levying the fines laid on him.

Hamm. p. 95. In antient times the Archbiſhop of *Canterbury* had the
57. and Camp. Primacy of *Ireland*, and to him the Biſhops of *Ireland* went
P. 53. for conſecration, of whom the Archbiſhop of *Canterbury* took the oath of Canonical obedience.

By the Statute of 10. of *Hen.* 7. chap. 1. in *Ireland*, the Treafurer of *Ireland* is to make a declaration of his accounts before the Barons of the Exchequer there, &c. which is to be certified into the Exchequer of *England*, and there his account to be finiſhed.

By the Statute of 28. of *Hen.* 8. chap. 6. in *Ireland*, the ſubjects of *Ireland* in cauſes Eccleſiaſtical may have appeals into the Chancery in *England*.

It is alſo uſual, that recogniſances acknowledged by ſuch, who have lands in *Ireland*, in the Exchequer of *England*, are removed by Certiorari into the Chancery of *England*, and from thence by Mittimus to be ſent into *Ireland* for the ſaid lands to be thereupon extended. And writs of Error out of the King's Bench in *England* to remove judgments in the King's Bench in *Ireland*, always was, and is ſtill continually practiſed. And if all the ordinary Courts of *England* have power in *Ireland*, if in cauſes Eccleſiaſtical they have power there, if the Clergy in *Ireland* were to be obedient to the Archbiſhop of *Canterbury* in *England*, it were a hard and
ſtrange

strange thing, that the Parliament, which is the supreme Court of Justice, and which gives laws to all other Courts, should be from thence excluded. But it appears plainly by these cases, that the ordinary Courts of Justice in *England* have power in *Ireland*, and that *Ireland* is subject unto them; therefore much more hath the Parliament power over it. And that the Parliament of *England* hath power over *Ireland* to look into the state of it, and to examine and determine of the causes and matters of *Ireland*, even, between party and party, besides the former reasons and arguments, appears by divers records in *Ireland*, of which we will cite a few.

‘ Dominus Rex mandavit breve
 ‘ suum, &c. in hæc verba.
 ‘ *Edwardus* &c. dilecto & fi-
 ‘ deli suo, *Jobanni Wogan*,
 ‘ Justiciario suo *Hiberniæ*, vel
 ‘ ejus locum tenenti salutem.
 ‘ Transcriptum petitionis *Gal-*
 ‘ *fridi de Genevill*, coram no-
 ‘ bis et concilio nostro exhibitæ,
 ‘ super quibusdam injuriis et
 ‘ gravaminibus eidem *Galfrido*
 ‘ per dilectum & fidelem Cle-
 ‘ ricum nostrum, *Richardum*
 ‘ *de Beresford*, Thesaurarium
 ‘ *Hiberniæ*, et *Walterum L’en-*
 ‘ *sant*, et socios suos, Justicia-
 ‘ rios ultimè itinerantes apud
 ‘ *Drogheda*, illatis, ut dicitur,
 ‘ vobis mittimus præsentibus
 ‘ inclusum, mandantes, quod
 ‘ inspecto tenore petitionis præ-
 ‘ dictæ, et diligenter examinatis
 ‘ super singulos articulos in
 ‘ ejusdem petitione contentos,
 ‘ in præsentia prædictorum
 ‘ Thesaurarii, Justiciariorum,
 ‘ & prædicti *Galfridi* super
 ‘ præmissis per vos præmunien-
 ‘ dis, diligenter inquiratis veri-
 ‘ tatem, & inquisitionem inde
 ‘ distinctè & aperte factam, no-
 ‘ bis

The King sent his writ, &c. in *Trin.* 33.
 these words. *Edward*, &c. to *Edw.* 1. Rot.
 his beloved and faithful *John* 52. in tur.
Wogan, his Justice of *Ireland*, *Berming.*
 or to his Deputy, greeting. We
 send to you inclosed herein the
 transcript of a petition of *Geoffry*
de Geneville, exhibited to us
 and our Council, concerning
 certain injuries and grievances
 laid on him, as is said, by our
 beloved and faithful Clerk, *Rich-*
ard de Beresford, Treasurer of
Ireland, and *Walter L’ensant*
 and his colleagues, the last iti-
 nerant Justices at *Drogheda*,
 commanding you, that inspect-
 ing the tenor of the said Peti-
 tion, and diligently examining
 the contents thereof in the se-
 veral articles therein contained,
 in the presence of the said
 Treasurer, Justices, and the
 said *Geoffry*, to be warned by
 you upon the premises, that
 you diligently inquire into the
 truth, and send to us under
 your Seal to our next Parlia-
 ment the inquisition taken there-
 upon distinctly and clearly, to-
 gether with this writ, that in-
 specting

• bis sub sigillo vestro ad proximum Parliamentum nostrum mittatis, et hoc breve, ut inspectâ Inquisitione prædictâ ulterius fieri faciamus in præmissis quod Justitia suadebit. Teste meipso apud Westmonasterium 28^o die Martii, anno Regni nostri 33^o. Et petitio inclusa continebatur in hæc verba.

pecting the said inquisition we may further cause to be done in the premisses what justice shall advise. Witness our self at *Westminster* the 28th day of *March* in the 33d year of our reign. And the petition was inclosed therein in these words.

And so the record recites the petition, in which are divers articles against the Treasurer for not giving him allowances, &c. and against the Justices for infringing his franchises, &c. To which several answers are made by them specified in the record, and which, as the record is, *ad instantiam ipsius Galfridi prædictum breve, cum prædictis articulis, et hoc recordum mittitur Domino Regi*,—at the instance of the said *Geoffry*, the said writ, with the said articles, and this record is transmitted to the King.

33. *Edw. 1.* It appears in the same year, that the King by two writs directed to the Justice of *Ireland* (the record is long) recites, Rot. 53. in that whereas divers injuries and wrongs were done to *Agnes de Valentia* by *John Fitz-Thomas* in taking away her goods, and disseising her of her lands, and imprisoning her Bailiff, &c. as she suggested; for which she brought an Affize, and recovered them, but yet could get no satisfaction. Therefore the King commands the Justice, that calling the parties before him, and hearing their reasons, he should do according to law. *cap. Berming.*

• Et si quid acciderit, quare idem facere non possit, tunc recordum & processum coram vobis inde habitos, et habendos, cum omnibus ea tangentibus, nobis sub Sigillo vestro mittatis, et hoc breve; ita quod ea habeantur in Parlamento nostro, quod infra regnum nostrum *Angliæ* sumus proxime habituri, et partes prædictas

And if any thing should happen, why this could not be done, that then you send to us under your Seal the record and process had, and to be had before you, with all matters appertaining thereto, and this writ; so that they should be ready in our Parliament, which we should next hold within our kingdom of *England*; and that you

- prædictas adjornetis, quod you adjourn the said parties
 • tunc sit ibi coram nobis et over, that they then appear
 • Concilio nostro, facere et re- there before us in our Council,
 • cipere quæ de eodem Conci- to do and receive whatever by
 • lio nostro inde duximus ordi- advice of our said Council we
 • nandum.' shall judge necessary to ordain.

The said *John Fitz-Thomas* being summoned (for the proceedings were in a kind of course at the Common Law) alledged, that he ought not to answer to the said writ; for that by the said writ it is commanded, that the Justice should do according to the law and custom of the land, and that the King hath there his Chancery, out of which did issue, and ought to issue, all original writs, by which, as well the Grandees as others of that land ought to be impleaded. And, if the Justice and Chancellor of that land will make writs of the Chancery there used, grounded upon Common Law, or upon Statutes, he shall be ready to answer before Justices thereto assigned, &c. and because nothing is contained in these writs, which is not pleadable at Common Law, he prayed judgment if he should answer *ad hæc brevia de suggestionibus*,—to these writs of suggestion,—which merely are not used in Chancery, and that to such writs none in *Ireland* were wont to answer, which did challenge them; and chiefly, because the King by that writ commanded his Justice, that hearing the reasons of his men in that land, he should do Justice, &c. and therefore prays that he may not answer to such writs not usual against the law and custom of that land.—The said *Agnes* replied, that the writ she had was sealed with the great Seal of *England*, and under the teste of the King, and the like was under the said Seal to the said *John Fitz-Thomas*, *quæ satis latebant Cancellariæ hujus terræ, et sic competenter habere non poterat in hac terrâ breve formatum in hoc casu*,—which sufficiently were unknown to the Chancery of this land, and so a writ formed in this case could not properly be had in this land,—and that from the time of the conquest innumerable of the King's writs were directed to the Justice of *Ireland* out of his Chancery of *England* to do justice to complainants, and that such pleas have hitherto been held in form of a commission of Oyer and Terminer. To which the said *John Fitz-Thomas* rejoined, that it was never adjudged in that

land, that any should answer to such writs of suggestion out of the Chancery of *England*, which the Defendant did challenge them to shew, and if the Court will adjudge, that he ought to answer further to that writ, he will sufficiently answer. After, day being given to hear judgment, thereupon came *Richard de Burgo*, Earl of *Ulster*, *Peter*, Son of *James de Bermingham*, *Eustace le Poer*, and others the Grandees of that land, for themselves and the whole commonalty, and said, that the King, at their petition, sent his writ to his Justice there, that hearing the reasons of his men of that land for their grievances done to them by his Ministers, against the liberties of their Ancestors granted to them, and the common custom used of that land upon these things, which may be determined without the King, to do speedy complement of justice, and do pray, that the said *John*, or any other of that land, be not compelled to answer the like writ, which is not usual in the Chancery, chiefly when the said *Agnes* may recover her right in that case by a writ of the Chancery of that land, *et instantier petunt, quod non procedatur in hoc placito in præjudicium eorum contra prædictas libertates et consuetudines*,—and they earnestly demand, that no proceedings should be had upon this plea to their prejudice, contrary to the said liberties and customs,—upon which a day was given over by the Justice and Council, and in the end the conclusion was thus: *Quia Justiciario et cæteris de Consilio videtur difficultatem subesse ad procedendum ad judicium in hoc casu, ipso Domino Rege inconsulto, dies datus est partibus virtute brevis prædicti de judicio suo audiendo coram Domino Rege ad proximum Parliamentum suum, quod habiturum est in Angliâ post hunc diem; et brevia cum Recordo liberantur Thomæ de Essex, servienti prædictæ Agnetis, ibi deferendum, &c.*—Because a difficulty seems to arise in the Justice, and others of the Council, how to proceed to judgment in this case, the King being not consulted, a day was given to the parties by virtue of the said writ to hear judgment before the King at his next Parliament to be after that day held in *England*, and the writs, with the Record, were delivered to *Thomas de Essex*, servant to the said *Agnes*, to be carried thither.—

By this Record it appears, that the doubt was, whether there should be had any proceedings upon that writ of suggestion, as they called it, and which the Nobles and others opposed;

opposed; but none of them excepted against the sending to the Parliament in *England* to have their doubt resolved, which undoubtedly they would have done, if they had conceived, that the Parliament there had had no power over them. And, therefore it was resolved by the Justice and Council, that it should be sent thither, where they were to expect judgment, and so by the Record it appears that thither it was sent.

Rot. pat. *Anno 14 Edw. 3.* in the Exchequer, we find this Record. Pat. 14. Ed.
3. in officio
Remon.

‘ Rex Theſaurario & Camera-
riis ſuis de Scaccario *Dublin*,
‘ ſalutem. Cum nos per breve
‘ noſtrum de privato Sigillo
‘ mandaverimus Venerabili Pa-
‘ tri *Thomæ*, *Episcopo Hereford*,
‘ Cuſtodi terræ noſtræ *Hiber-*
‘ *niæ*, quod ipſe ad nos in *An-*
‘ *gliam* ad inſtans Parliamentum
‘ apud *Westmonaſterium*, jam
‘ convocatum, perſonaliter ac-
‘ cedat, ad informandum nos
‘ et Concilium noſtrum in dicto
‘ Parlamento noſtro de ſtatu
‘ dictæ terræ noſtræ, et dedimus
‘ eidem *Episcopo* 40l. pro paſ-
‘ ſagio ſuo verſus dictas partes
‘ *Angliæ*, vobis mandamus,
‘ quod eidem *Episcopo* dictas
‘ 40l. de Theſauro noſtro libe-
‘ retis, habendas ex cauſâ ſu-
‘ pradictâ. Teſte *Thoma* *Epif-*
‘ *copo Hereford*, Cuſtode terræ
‘ noſtræ *Hiberniæ*, apud *Dublin*
‘ 27^o. *Martii*, Anno Regni noſ-
‘ tri 14^o.’

The King to his Treasurer and Chamberlains of the Exchequer at *Dublin*, greeting. Whereas we by writ of Privy Seal have commanded the Venerable Father, *Thomas*, Bishop of *Hereford*, Custos of our land of *Ireland*, that he personally come to us in *England*, to our present Parliament convened at *Westminster*, to inform us and our Council in the said parliament of the state of our said Land; and we have granted to the said Bishop 40l. for his passage towards the said parts of *England*, we command you, that you deliver to the said Bishop the said 40l. out of our treasure, for the cause aforesaid. Witness *Thomas* Bishop of *Hereford*, Custos of our Land of *Ireland*, at *Dublin*, the 27th day of *March* in the 14th year of our Reign.

I will end this particular (because I am unwilling to clog this answer with too many Records) with a passage in a speech made by Sir *Maurice Eustace*, Speaker of the Commons of *Ireland*, delivered at the Bar of the Lords upon the return of the late Earl of *Strafford* out of *England*, entered in the Journals of that house.

“ The

“ The time was, when we were forced to attend the
 “ Parliament of *England*, which no doubt was a mighty and
 “ heavy charge to this Kingdom, and yet thus it was; for
 “ so you have it in the Parliament Rolls in the Tower of
 “ *London* (viz.) 8th *Edw.* 2. Dorso Clauso mem. 31 Rex
 “ mandavit *Richardo de Burgo*, Comiti *Ultoniæ*, et aliis
 “ Nobilibus *Hiberniæ*, quod sint apud *Westmonasterium* in
 “ Octabis *Hilarii* proximè ad tractandum cum Proceribus
 “ hujus Regni de statu *Hiberniæ*”——“The King com-
 “ manded *Richard de Burgo*, Earl of *Ulster*, and other No-
 “ bles of *Ireland*, that they appear at *Westminster* on the
 “ Octaves of *Hilary* next, to treat with the Peers of this
 “ Kingdom of the state of *Ireland*.”

And that the Parliament of *England* had power over *Ire-land*, besides what hath been already said, appears yet further by the acknowledgment and practice of the People of *Ireland*, who usually in grants made to them by the Kings of *England* of lands, rents, offices, and honours, procured them to be confirmed by the Parliament of *England*; which if they had not thought necessary, they would no more have done, or had it been to any more purpose than if they had them confirmed by the Parliament of *Scotland*. Many Records of such confirmations are yet extant; as in 12 *Edw.* 2. in the Roll intituled, Antiquissimæ literæ patentes & Commissiones in the Rolls-Office.

• Rex, &c. Sciatis, quod in
 • pleno Parlamento apud Ebo-
 • rum convocato de assensu Præ-
 • latorum, Comitum & Baro-
 • num Regni nostri ibidem exis-
 • tentium pro bono et laudabili
 • servitio, quod dilectus nobis
 • • *Nicholaus de Verdón* nobis im-
 • pendit, et impendet in futuro,
 • dedimus & concessimus pro
 • nobis & hæredibus nostris ei-
 • dem *Nicholao* Manerium nos-
 • trum de *Mandevillestown*,
 • cum pertinentiis, in Comitatu
 • • *Louth*; in *Hiberniâ*, quod ad
 • manum Domini *Edwardi*,
 • quondam

The King, &c. Know ye,
 that at a full Parliament assem-
 bled at *York*, by assent of the
 Prelates, Earls, and Barons of
 our Kingdom there being, we
 have, for the good and lauda-
 ble service, which our beloved
Nicholas Verdón has done to us,
 and shall do for the time to
 come, given and granted, for us
 and our heirs, to the said *Ni-
 cholas* our Manor of *Mandevil-
 lestown*, with the appurtenances
 in the County of *Louth*, in *Ire-
 land*, which came to the hands
 of *Edward*, our Father, late
 King

* quondam Regis *Anglie*, Patris
 * nostri, ex dono & concessione
 * *Radulphi Pipard* devenit. Ha-
 * bendum & tenendum, &c.
 * per servitia, quæ de eo mane-
 * rio debebantur, antequam il-
 * lud manerium ad manus
 * dicti Patris nostri devenit.
 * Teste meipso apud Eborum
 * 18^o. die *Novembris*, Anno
 * Regni nostri 12^o.—Per ipsum
 * Regem & Concilium.

King of *England*, by the grant
 and concession of *Ralph Pipard*.
 To have and to hold, &c. by
 the services which were due
 out of the said Manor, before
 the said Manor came to the
 hands of our said Father. Wit-
 ness myself at *York*, on the 18th
 day of *November*, in the 12th
 year of our reign.—By the King
 and Council.

In 2d *Hen. 6.* in the account of *Jenico Dartas* for the *Hen. 6. Rot.*
 Manor of *Eskar, Castle-Lyons, &c.* he prays an allowance ^{61. in offic.}
 of 100l. rent out of the said lands granted to him for life by ^{Rem. in}
 the Patent of *Henry 5th.*—Quas quidem literas patentes (as ^{Scaccaria.}
 he pleads) Dominus Rex nunc 30. die *Februarii*, Anno Reg-
 ni sui 1^{mo}. inter diversa alia in iisdem contenta, de advisa-
 mento magni Concilli *Anglie*, approbavit, ratificavit, &
 confirmavit, prout in literis & confirmatione prædictis ple-
 nius continetur,—which said Letters Patent the King that
 now is, on the 3d of *February*, in the first year of his reign,
 among divers other things contained therein, approved, ra-
 tified, and confirmed, by advice of the great Council of *Eng-
 land*, as in the said letters and confirmations more fully ap-
 pears.—Which Letters Patent are enrolled (as he pleads)
 in the Records of *Easter Term*, 1^{mo}. of that King. Where-
 upon (as the Record is)—Visis præmissis per Barones hu-
 jus Scaccarii concordatum & consideratum est, quod præ-
 dictus *Jenico* allocationem habeat in compoto suo de prædic-
 tis 100l. —The Premises being inspected, it is agreed and
 adjudged by the Barons of this Exchequer, that the said *Jenico*
 have an allowance for the said 100l. in his account.—
 The like is to be seen in other accounts.

In 34 *Hen. 8. Rot. 31.* in the chief Remembrancer's-
 Office in the Exchequer, there is an Inrollment of a Grant
 made to *Edmond Sexton* for life of the fee farm rent of the
 City of *Limerick*, at the end of which are these words.—
 Per billam ipsius Domini Regis, et manu suâ propriâ signa-
 tam, immediatè Cancellario suo Regni *Hiberniæ* directam,
 auctoritate Parliamenti.—By bill of the King, signed by
 his

Hen. 6.
Rot. 62, 63,
64. in the
Account of
the Mayor
and Bailiffs
of Dublin.

his hand, and immediately directed to the Chancellor of Ireland, by authority of Parliament.

34. Hen. 8. Anno 34 Hen. 8. the Grant of the office of Master of the
 rot. 12. in Rolls in Ireland to Sir Thomas Cusack is enrolled at large,
 Offic. Rem. wherein is a *Non Obstante* in these words.

‘ Non obstante quodam statu-
 tuto, actu, et Ordinatione, in
 quodam Parlamento tento a-
 pud *Drogbedab* in *Hibernia*
 die lunæ proximè post festum
 St. *Andræ* Apostoli, Anno
 Regni præcharissimi Patris nos-
 tri Hen. septimi, nuper Regis
Angliæ, Decimo, coram *Ed-
 wardo Poynings* milite, Depu-
 tato ipsius Domini Regis, Pa-
 tris nostri, Regni sui *Hiberniæ*,
 edito in hæc verba, (viz.)
 quod deinceps nullæ Personæ,
 qui habebunt Administrationem
 Justitiæ in dicto Regno
 suo *Hiberniæ* (viz) Cancellarius,
 Thesaurarius, Justiciarius
 de Banco Regis, et de Comuni
 Banco, Capitalis et secundarius
 Barones de Scaccario ibidem,
 clericus sive Magister Rotulorum,
 ac omnes officarii computabiles,
 habeant de cætero aliquam Auctoritatem
 in talibus Officiis suis per
 literas patentes Domini Regis,
 nisi solummodo ad placitum
 et voluntatem Domini Regis.
 Et quod si aliqua concessio
 facta, vel imposterum fienda,
 alicujus, vel aliquorum officio-
 rum prædictorum alicui Personæ,
 et in contrarium præmissorum,
 sic facta, quod illa concessio
 adjudicetur vacua, et nullius
 vigoris in lege.’

Notwithstanding a certain statute, Act, and Ordinance, made in a Parliament held at *Drogbedab* in Ireland, on the Monday next after the feast of St. *Andrew* the Apostle, in the 10th year of the reign of our dearest Father, *Henry* 7th, late King of *England*, before Sir *Edward Poynings*, Deputy of the said King our Father of his Kingdom of *Ireland*, in these words (viz.) that from this time forward, no manner of person or persons, that shall have ministration of Justice in the said Kingdom of *Ireland*, that is to say the Chancellor, the Treasurer, the Judge of the King’s Bench and Common-Pleas, the chief and secondary Baron of the Exchequer, the Clerk or Master of the Rolls, and all manner of Officers Accomptants, shall have for the time to come no authority by Patent in such Offices, but only at the King’s will and pleasure; and if any grant be made, or hereafter shall be made of any of the said Offices, to any person contrary to the Premises, that the same shall be adjudged void, and of no effect in law.

At the end of the Inrollment of which Patent are these words.—Per billam ipsius Domini Regis ab *Angliâ* missam, et manu suâ propriâ signatam, et Cancellario suo *Hiberniæ* immediatè directam, de datâ prædictâ, auctoritate Parliamenti.—By Bill of the King sent from *England*, and signed with his own hand, and immediately directed to his Chancellor of *Ireland*, of the said date, by authority of Parliament.

By this Record we may gather, that they of *Ireland* in those times did conceive, that by the statute 10 *Hen. 7.* in *Ireland*, grants of those Offices therein named, with a *non obstante* for life, would not be sufficient in law, and therefore they had recourse into *England* to have such Offices granted for life, contrary to the statute of *Ireland* made by authority of the Parliament there, which would controul that Act made in *Ireland*, as having power and authority over it. And this it seems was common in those times. For in the same year, a grant of the Office of Comptroller of the Customs in *Dublin, Drogheda, &c.* was made to Robert Lower and Laurence Hamond for life, with the like *non obstante* as in Sir Thomas Cusack's Grant, and with the like direction to the Chancellor—*Auctoritate Parliamenti*—by Authority of Parliament.

Anno 33 *Hen. 8.* the King created Thomas Butler, Baron of *Caber*, and in the end of the Grant in the Bill signed with the King's own hand, and sent into *Ireland*, are these words.—Per billam ipsius Domini Regis ab *Angliâ* missam, et manu suâ propriâ signatam, Cancellario, five Custodi Magni sigilli sui *Hiberniæ*, immediate directam, auctoritate Parliamenti.—By Bill of the King sent from *England*, and signed with his own hand, directed to the Chancellor, or Keeper of his Great Seal of *Ireland* immediately, by authority of Parliament.

Many such Records are among the Rolls of *Ireland*, where their Grants are from the King, and were — *Auctoritate Parliamenti*;—by Authority of Parliament;—from whence we may judge, that they of *Ireland* took the law to be, that the authority of the Parliament of *England* did strengthen their Grants and Estates against any defects, that might be found in them by the laws of *Ireland*; and therefore we may truly conclude, that since the chief Governors of *Ireland* have been sent for to the Parliament of *England*,

to inform the King and his Parliament there of the state of *Ireland*; since the Nobles of *Ireland* were to attend the Parliament there, to treat of the state of that Country, since the King by his Writs did remove Causes between party and party out of *Ireland*, into the Parliament of *England*, to be determined there, since they of *Ireland* did usually from time to time procure their Grants made by the Kings of *England* to be confirmed by the Parliaments there; therefore, that Parliament has power over *Ireland*, and may, as they please, consider, resolve, and cause to be executed, what they think is fittest for them, and give judgment in their causes of controversy between party and party, and then *Ireland* cannot possibly be a Kingdom absolute in itself, and divided absolutely in matter of Government from the power of the Parliament of *England*.

The second Case which the Author cites, is the book of 2d *Rich.* 3. Fol. 11. where it is said, "that the land of *Ireland* in itself hath a Parliament; and all other Courts " as in *England*, and by the same Parliament do make " Laws and change Laws, and are not bound by the statutes " of *England*, because they have not Knights of Parliament " there. But this (saith the book) is understood of lands " and things in that land only to be affected; but the Persons are the King's Subjects, and as Subjects are bound " to any thing to be done out of *Ireland*, against the statutes, " &c." This being all that is said in that case to the purpose in hand, let it be observed, that it was only a *suit dictum*, It was said, that *Ireland* had a Parliament of itself, &c. and is not bound by the statutes of *England*, &c. But there was no resolution or judgment in that case, nor as much as the opinion of any one Judge in particular there cited. But in 1 *Hen.* 7. Fol. 2. the same case being again moved before all the Justices, *Huffey*, Chief Justice, said, that the statutes made in *England* do bind them in *Ireland*; and it was not much denied, saith the book, by the other Justices, though they were of a contrary opinion the last term in his absence. So that it appears, that when the Judges had well considered the case, they changed their opinions, and upon serious consideration thought, that the statutes of *England* did bind them of *Ireland*; and therefore, whereas the Author saith upon the case of the 20 *Hen.* 6. by him cited, that *Portington* saith, that if a tenth be granted in the Parliament of *England*, that shall not bind *Ireland*, because they

they have no command with us by writ to come to our Parliament, which was not denied by *Markham*, *Yelverton*, nor *Ashcough*. It may be as well said, that *Hussey*, Chief Justice, said in the 1 *Hen. 7.* after the cause had been long considered by all the Judges, that the statutes of *England* do bind *Ireland*, which was not much denied by the other Justices. And whereas the Author in another part of his discourse saith, that this opinion of *Hussey* cannot be Law; for that *Brooke*, in abridging that case, (i) saith, that that opinion was denied to be law the last term before, and addeth further,—*tamen Nota*, yet observe,—that *Ireland* is a Realm of itself, and hath a Parliament of itself, implying thereby (saith he) that *Ireland* cannot be bound but by the Parliament in *Ireland*: let us hear what *Brooke* in that place saith; his words are these, “By the opinion of the Chief Justice, the statutes of *England* bind those of *Ireland*, which was in a manner agreed by the other Justices, and yet it was denied the last day before; *tamen nota*—yet observe,—that *Ireland* is a Realm of itself, and hath a Parliament in itself,” but of which words it may be more naturally and congruously implied, than the inference which the Author makes, that though *Ireland* be a Realm of itself, and hath a Parliament in itself, and though it had been denied before, yet the opinion of the Chief Justice, and the other Judges, when they had more seriously studied, and conferred on that case, was, in a manner, that *Ireland* was bound by the statutes of *England*. And whereas the Author saith, that he conceives *Hussey*’s meaning was not, that the statutes of *England* generally bind *Ireland*, but only such statutes, as concern the matter in question, which were the matters concerning the Staple, in which *Ireland* is particularly named: I answer, that if the Parliament in *England* can bind *Ireland* in matters concerning the Staple, it may do it in any other matter, wherein they please to have *Ireland* bound; for there can be no difference: and for *Hussey*’s meaning, we cannot conceive of it what it was but by his words, or by his explanation of them; and therefore we must needs understand them generally of all statutes, which are not for particular places, but may be applied to *Ireland*. And if he will grant, that *Ireland* may be bound by a statute in *England*, where *Ireland* is named, we will ask no more of him for this time; but that he utterly denies, and therefore his conceit of *Hussey*’s meaning must needs be contrary

contrary to *Huffey's* sense, which he expresses to be generally of statutes in *England*, that they bind *Ireland*. And as to that saying of the book of the 2 *Rich* 3. cited by the Author (*viz.*) that the statutes of *England* bind not them of *Ireland*, because they have not Knights of Parliament there, that is no good argument, or reason; for the statutes of *England* do bind many places, from whence there are no Knights or Burgesses; as the County Palatine of *Chester* was always bound by the acts of Parliament of *England*, and yet had no Knights or Burgesses in Parliament till 34 *Hen.* 8. as appears by the express words of a statute of that year, *Chap.* 13. The like we shall find touching *Wales*, as we shall see more at large hereafter. *Calais* was never annexed to *England*, but was part of the Kingdom of *France*, nor ever sent Burgesses to the Parliament of *England*. Yet being under the power of that Parliament, they made Laws for them, even for the forfeiture of their houses in *Calais* for want of watch. See statute 11. *Hen.* 7. *Chap.* 16. and statute 2 *Edw.* 6. *Chap.* 38. concerning the paving of their streets, &c. under a penalty.

It is likewise said in the said book of the 2 *Rich.* 3. that *Ireland* is not bound by the statutes of *England*, because they have no Knights of the Parliament there. But saith the book, this is understood of lands and things only in that land to be affected. But the Persons are the King's subjects, and as subjects are bound to any thing to be done out of *Ireland* against the statutes, &c. So that by the saying of that book, their Persons are subject to the Laws of *England* out of *Ireland*; and by the case cited before of the 20. *Hen.* 6 it cannot be denied, but things to be affected in *Ireland* are bound by the Judgments of the Courts of Justice in *England*, contrary to the opinion of 2. *Rich.* 3. For to have an office in *Ireland* is a thing there to be affected. So that by these two books the Author will gain nothing to his cause, but rather lose much by them; and the former records and year books do sufficiently demonstrate, that *Ireland* is a part and member of *England*, both been governed by the Laws thereof, and subject to the Laws made by the Parliament there, and not that *England* served only as a Model for the Government of *Ireland*, as the Author would have it.

Now

Now let us consider a little the statutes cited by the Author in maintenance of his position. He saith, that contrary to the opinion of *Hussey* (which is, that the statutes of *England* do bind *Ireland*) are the Judgments of 8 several Parliaments in *Ireland* before the statute of 10. *Hen.* 7 ; but he names only 7, and yet he names no particular act in some of them to prove his assertion ; but we may easily guess at them, there being no act in these several Parliaments, which tends this way, but those which I will now cite.

The Parliaments which he cites are 13. *Edw.* 2. 19. *Edw.* 2. 18. *Hen.* 6. 29. *Hen.* 6. 32. *Hen.* 6. 39. *Hen.* 6. and 8. *Edw.* 4 ; and since the statute of 10. *Hen.* 7. (as he saith) of five Parliaments (*viz.*) 28. *Hen.* 8. 33. *Hen.* 8. 28. *Eliz.* 11. *Jac.* and 10. *Car.* besides the statute of 10. *Hen.* 7. itself. For three of these statutes (*viz.*) 13. *Edw.* 2. 19. *Edw.* 2. and 29. *Hen.* 6. we must again take the Author's bare word ; for he cites no record, nor any other thing that we may find to prove that there are such statutes ; but he saith, that they are exemplified under the great seal, and the exemplifications were remaining in the treasury of the City of *Waterford*. I believe there was some such exemplification ; because Sir *Richard Bolton*, in his edition of the statutes of *Ireland*, in a marginal note upon the statute of 10. *Hen.* 7. *Chap.* 22. saith, that the said exemplification is there, tho' now it is said no such can be found ; and if it were for the Author's purpose, I wonder it should be now concealed, and not set down by him *verbatim*, as he does other Statutes, which are not much to the purpose. For the best learned men can hardly judge rightly of a statute without perusing the very words, and considering the scope and intention of it : and therefore, if there were such statutes, whether they did only aim at that which he alledgeth we know not, or whether some other thing were contained in them, which might make against his opinion, we cannot tell. But admit there were such statutes so exemplified, as he saith, yet they cannot be legally taken notice of or pleaded in any Court, unless we had some records of them, or that they had been at least formerly in print, and allowed, and taken for statutes, or were exemplified under the seals of the four Courts, as appears by the statute 12. *Eliz.* *Chap.* 2. in *Ireland*. So that for these three alledged statutes, they not appearing, we may say they are not in

being; for——— *de non apparentibus, & non existentibus eadem est ratio*———The same reason extends to things that do not appear, and things that do not exist.——though for them, and all the rest, we shall give another answer hereafter. And yet by the way, it may be observed, whereas the Author saith, that by the statutes of 19. *Edw. 2.* and 29. *Hen. 6.* it was enacted, that the statutes made in *England* should not be of force in *Ireland*, unless they were allowed and published in that Kingdom by Parliament; that from hence a strong argument may be drawn, that before these alledged statutes, the statutes in *England* did bind in *Ireland*. For if a statute should be made, that men that are seized of lands in fee descendible by course of Common Law to their heirs, if they made no conveyance or devise of them, but should so die seized thereof in fee, that these lands should descend to their heirs; would not every man say, that such a statute were ridiculous and nugatory; for the law is so, and always hath been so used? So in this case, if the law were, that the statutes of *England* never bound in *Ireland* before they were confirmed there by Parliament, nor ever any act made in *England* executed there before it were confirmed there, what an idle thing had it been to make a Law for that, which was, and always had been the Law before and ever so taken? Therefore, we must conclude, that if there were any such statutes made, the Parliament there conceived the Law to be, that *Ireland* was bound by the statutes of *England*, which they endeavoured to exempt themselves from, if it had been in their power.

The first of the statutes alledged by the Author, which is agreed to be a statute, is that of the 18. *Hen. 6. Chap. 1.* in *Ireland* concerning Purveyors, against whose extortions divers statutes were made in *England*, and by him cited, which were never received, nor put in execution in *Ireland*, as he saith, till 18. *Hen. 6. Chap. 1.* it was enacted by the Parliament of *Ireland*, that all statutes made against Purveyors within the Realm of *England* should be holden and kept in all points, and put in execution in *Ireland*.

That none of the statutes made in *England* against Purveyors were received, or put in execution in *Ireland* before this statute of 18. *Hen. 6.* would be difficult for the Author to prove; and if there were no proofs that they were in force before that statute, yet it may be well inferred that
they

they were. Because we find, that other statutes made in *England* only were there executed, as by the former Records appears. But from thence to conclude, that statutes made in *England* do not, nor cannot, bind in *Ireland*, till they be there confirmed by Parliament, is a consequence which is still denied, and cannot be proved. But to shew his mistaking in this, as in the rest, it is to be remembered, that formerly in this discourse it is plainly proved, that after acts made in *England* were transmitted into *Ireland* under the great seal, and there published, though *Ireland* were not named in them, yet they were of force there and executed: And that some of the chief of their acts against Purveyors made in *England* long before this act of 18. *Hen. 6.* were sent into *Ireland*, and commanded there to be published and executed, is most certain; for so were the acts made in the 36. *Edw. 3.* against Purveyors, as may be seen by the original record of their transmission under the great seal of *England*, now remaining in the treasury of the City of *Dublin*, in these words.

‘ *Edwardus*, &c. dilectis & fidelibus suis, Locum nostrum tenenti in *Hiberniâ*, ac Cancellario et Thesaurario nostris ibidem, et eorum cuilibet, salutem. Mandamus vobis firmiter injungentes, quod statuta tam de emptoribus & provisoribus victualium, quam de omnibus aliis in iisdem statutis contentis, in Parlamento nostro apud *Westmonasterium* ad quindenam *Sti. Michaelis*, anno regni nostri 36. edita, & ad dictam terram ex parte nostra missa, proclamanda et tenenda in omnibus suis articulis in terrâ prædictâ firmiter teneri & observari, et contra eadem delinquentes, juxta tenorem eorundem statutorum, omni favore posthabito, puniri faciatis; et hoc nullatenus omittatis.

Edward, &c. to our beloved and faithful, our Lord Lieutenant of *Ireland*, and to our Chancellor and Treasurer there, greeting. We command and firmly injoin you, that you strictly cause the statutes as well concerning Buyers or Purveyors of victuals, as of all other things in the said statutes contained, made in our Parliament at *Westminster* on the Quindene of *St. Michael*, in the 36th year of our reign, and sent by us into the said land, to be proclaimed and observed, to be firmly kept and observed in the said land in all the articles thereof, and that without favour or affection you cause all delinquents against the same to be punished according to the tenor thereof, and that by no means you omit to do so.

L 2 Witnesses

| | |
|--|---|
| ' mittatis. Teste meipso apud ' <i>Westmonasterium</i> , 26o. die No- ' vembriis, anno regni nostri 37o. ' Per ipsum Regem & Conci- ' lium.' | Witness myself at <i>Westminster</i> , the 26th of <i>November</i> in the 37th year of our Reign.—By the King and Council. |
|--|---|

By this writ it is evident, that some of the statutes made in *England* against Purveyors were of force in *Ireland* long before the said statute of 18. *Hen. 6.* and therefore it is probable, that the rest were so, which will more clearly appear by the next statute of 32. *Hen. 6.* Chap. 1. which must needs be one of his eight judgments in Parliament, which he contends for, there being no other that Parliament made, which can have any colour for this his purpose.

The said statute of 32. *Hen. 6.* Chap. 1. saith, "that whereas divers ordinances, as well in *England* as in *Ireland*, have been made against them that sue Provisions to the Court of *Rome*; as by the statutes and ordinances made as well in *England* as in *Ireland* more plainly appears. This notwithstanding, Provisions are sued from day to other, more now, than before this time. Wherefore it is ordained by authority of the said Parliament, that from henceforward, all the acts, ordinances, and statutes, made against Provisors, as well in *England* as *Ireland*, be had and kept in force (almost the words of the statute of 18. *Hen. 6.*) within this land of *Ireland*." By this act it appears, that divers statutes have been made formerly in *Ireland* against Provisors, and this act ordains, that these statutes shall be in force. But will any man from hence argue, that these acts made in *Ireland* against Provisors were not in force before, because they were confirmed by this Parliament? I think none will; for it is usual in Parliaments, especially in *Ireland*, when they recite acts formerly made, which they would have known, and taken special notice of to continue, and be of force, to confirm them by a later act. But it may as well, and by the same reason, be said, that the former acts made against Provisors in *Ireland* were not of force before this statute; because this act saith, that they should be had and kept in force, as to say that, which the Author doth upon the statute of 18. *Hen. 6.* which saith, that all statutes made in *England* against Purveyours shall be holden and kept in force; therefore they were not
in

in force before : For it is the same kind of argument, and a difference cannot be made betwixt them.

But it may be strongly inferred from this act of 32. *Hen. 6.* that this Parliament conceived, that the statutes of *England* against Provisors were in force there before this act ; because it saith, notwithstanding those statutes of *England* and *Ireland* Provisions are sued more than before ; which had been no breach of the statutes made in *England* against Provisors, if they had not been of force there in *Ireland*, nor had the Parliament there any cause to complain of the breach of them ; and therefore this act declares, that all statutes both of *England* and *Ireland* (for they are both joined together, as being of like authority there before) should be had and kept in force. So likewise in the statute of 18. *Hen. 6.* all that is said concerning the statutes of *England* against Purveyors is, that all the statutes in that behalf made in *England* be holden and kept in all points, and put in execution in this land ; but not a word that they were not of force before, or that they could not before bind *Ireland*, but rather, as this statute of 32. *Hen. 6.* would have all the Laws in *England* and *Ireland*, against Provisors put in execution, so would that statute have them executed against Purveyors, conceiving them to have been of force, and only declaring the same so to be by this act, that they might be the better taken notice of, and the more carefully executed.

And that the statutes of *England* concerning Provisors were of force and executed in *Ireland* many years before this statute of 32. *Hen. 6.* which confirmed them, is apparent by many commissions granted in *Ireland* for the execution of them here.

A°. 4. *Hen. 4.* We find this commission.— ‘ Rex dilectis sibi *Mattheo Fitz-Henry*, et *Jobanni Cbever*, salutem. Sciatis, quod cum in Parlamento Domini *Richardi*, nuper Regis Angliæ 2d. post conquestum, anno regni sui 13. apud *Westmonasterium* teneto, ordinatum & stabilitum fuisset, quod si aliquis deferat seu mittat infra Regnum Angliæ,

The King to his beloved 4. *Hen. 4.* *Matthew Fitz Henry*, and *John Cbever*, greeting. Know ye, that whereas in a Parliament of *Richard*, late King of *England*, the second of that name after the conquest, in the 13th year of his reign, held at *Westminster*, it was ordained and established, that if any person should bring in or send into the Kingdom of *England*, or elsewhere within

rot. pat. in dorso in tur. Berm.

' gliz, vel potestatem nostram,
 ' aliquas summonitiones, sen-
 ' tentias, seu excommunicati-
 ' ones, contra aliquam Perso-
 ' nam, cujuscunque status seu
 ' conditionis fuerit, occasione
 ' Executionis, statuti de Provi-
 ' soribus, anno Regni Domini
 ' *Edwardi*, nuper Regis Angliæ,
 ' avi nostri, 250. editi, arreste-
 ' tur, capiatur, et Prisonæ nos-
 ' træ committatur, et forisfaci-
 ' et omnes terras et tenementa,
 ' bona et Catalla, et etiam pœ-
 ' nam vitæ & membrorum in-
 ' currat. Et si aliquis Prælati-
 ' faciat executionem hujusmodi
 ' sententiarum, summonitionum,
 ' et excommunicationum, tem-
 ' poralia sua capiantur, et re-
 ' maneant in manibus nostris
 ' quousque debita correctio in-
 ' de fiat. Et si aliqua Persona
 ' de minori statu quam Præla-
 ' tus, cujuscunque status seu
 ' conditionis fuerit, faciat hu-
 ' jusmodi executionis, arreste-
 ' tur, Capiatur, et Prisonæ nos-
 ' træ committetur, et finem &
 ' redemptionem faciet secun-
 ' dum discretionem Concilii nos-
 ' tri, prout in statuto inde edito
 ' plenius continetur. Nos sta-
 ' tutum illud inviolabiliter ob-
 ' servari, et impugnatores Juri-
 ' um Coronæ nostræ, et violato-
 ' res dictorum statutorum, juxta
 ' eorum demerita, punire et cas-
 ' tigare volentes, ut tenemur,
 ' de vestra fidelitate, circum-
 ' spectione, & industria plenius
 ' confidentes, assignavimus vos
 ' conjunctim & divisim ad in-
 ' quirendum per sacramentum
 ' proborum & legalium homi-
 ' num

our power, any Citations, Sen-
 tences, or Excommunications, against any person, of what state or condition soever he be, upon occasion of the execution of the statute of Provisors made in the 25th year of our Grandfather, *Edward* the 3d, King of *England*, he shall be arretted, taken, and committed to our prison, and shall forfeit all his lands and tenements, good and chattles, and shall suffer the penalty of life and member. And if any Prelate make execution of such Sentences, Citations, and excommunications, his Temporalties shall be seized, and remain in our hands, until due satisfaction be made for the same. And if any person of lesser degree than a Prelate of what condition or state soever he be, shall make such executions, he shall be arretted, taken, and committed to our prison, and shall make fine and ransom according to the discretion of our Council, as is more fully contained in the said statute: We being willing, that the said statute should be inviolably observed, and that the Impugners of the rights of the Crown, and the violators of the said statutes should be punished and corrected, according to their demerits, as we are bound to do, placing a sure confidence in your Fidelity, circumspection, and industry, have appointed you jointly and severally our Commissioners to enquire by the Oaths of good and lawful men of the County of *Wexford*, as well within li-
 berties

num Comitatus *Wexford*, tam infra libertates quam extra, per quos rei veritas melius sciri poterit, de universis & singulis motoribus et executoribus hujusmodi Summonitionum, sententiarum, et excommunicationum tam de minori statu, quam si Prælati existunt, ubicunque eos infra comitatum prædictum, tam infra libertates quam extra, fore, seu inveniri contingent, et illos, qui coram vobis, seu alteri vestrum, *inveniri contingent*, una cum bullis, instrumentis, processibus, inhibitionibus, citationibus, appellationibus, seu notationibus in hac parte secum inveatis, seu in posterum inveniendis, arrestandi & capiendi, et prisonæ nostræ mancipandi, ac ipsos, statim cum capti fuerint, coram Locum nostrum tenente, & Concilio nostro in terrâ nostrâ *Hiberniæ*, una cum hujusmodi præjudicialibus, salvo & securè venire faciendi, et ad respondendum circa præmissa, et ad faciendum ulterius et recipiendum quod prædictus noster Locum tenens, & Concilium nostrum prædictum de iis tunc contingit ordinare; et ad inquisitiones inde distincte et aperte captas nobis in Concellariâ nostrâ *Hiberniæ*, sub sigillis vestris, seu sigillo alterius vestrum, et sigillis eorum per quos factæ fuerunt, una cum toto facto vestro in hac parte, de tempore in tempus mittendi. Et ideo vobis, et alteri vestrum, mandamus firmiter injungentes, quod circa

liberties as without, by whom the truth may be best discovered, of all and singular the movers and executors of such Citations, sentences, and excommunications, as well of those of lesser degree, as of Bishops, wherever they shall happen to be found within the said County, as well within as without liberties, and to arrest and take such, who shall happen to be found by you, or either of you, together with their bulls, instruments, processes, inhibitions, citations, appeals, or summons's, found, or which hereafter shall be found about them, and to arrest, and take, and confine them in prison, and as soon as they are taken, to conduct them safely and securely before our Lieutenant and Council in our land of *Ireland*, together with such prejudicial things, and to be responsible for the premises; and further to do and receive whatever our said Lieutenant and Council shall order or direct concerning them, and to return the inquisitions taken upon such occasions distinctly and plainly into our Chancery of *Ireland*, under your seals, or the seal of either of you, and the seals of those before whom such inquisitions shall be made, together with what you shall from time to time do herein. And therefore we strictly enjoin you, and each of you, that you diligently employ yourselves about the premises, and execute the same in form aforesaid. We also give unto the Seneschal of the liberties of *Wexford*, and to our

• præmissa diligenter intendatis,
 • et ea faciatis et exequamini
 • in formâ prædictâ. Damus
 • autem Seneschallo Libertatis
 • *Wexford*, ac Vicecomiti nos-
 • tro dicti Comitatus, ac uni-
 • versis aliis & singulis Officia-
 • riis, Ministris, & fidelibus li-
 • geis nostris ibidem, tam infra
 • libertates quam extra, tenore
 • præsentium, specialitèr in man-
 • datis, quod vobis, et alteri
 • vestrum, executionem præ-
 • missorum intendentibus, sint
 • consulentes, respondentes, &
 • auxiliantes, & quod ad certos
 • dies et loca, quos eis, seu eo-
 • rum alicui, scire faciatis, ve-
 • nire faciant coram vobis, seu
 • alteri vestrum, tot et tales
 • probos & legales homines de
 • Ballivis suis, per quos rei ve-
 • ritas in præmissis melius sciri
 • poterit, et inquiri, &c. In
 • Cujus, &c. Teste præfato
 • Locum tenente apud *Dublin*,
 • 30o: Februarii.

Sheriff of the said County, and
 to all other our Officers, Minis-
 ters, and faithful liege subjects
 there, as well within liberties
 as without, by the tenor of
 these presents, especially in
 command, that to you, and each
 of you, employing yourselves a-
 bout the execution of the pre-
 misses, they be aiding, assisting,
 and advising, and that at cer-
 tain days and places, which to
 them, or any of them, you shall
 make it known, they cause to
 appear before you, or either of
 you, such, and so many, honest
 and faithful men of their Bally-
 wicks, by whom the truth in
 the premises may be best in-
 quired into, and found out. In
 witness, &c. witness the said
 Lord Lieutenant at *Dublin*, the
 30th of *February*.

Ibid. 6. Hen.
 Rot. pat. tur.
 Berming-
 part. 2. in
 dorso.
 * Ibid in
 dorso.

The like Commission we find in the 6th of *Hen. 4.* di-
 rected to *Janico Dartas*, for the Counties of *Meath*, *Dub-*
lin, *Lowth*, and *Kildare*: and also * in the 7th of *Hen. 4.*
 a Commission is granted to *Laurence Merbury*, Treasurer of
Ireland, and divers Officers, wherein the statute of the 15th
 of *Edw. 3.* against Provisors is at large recited, and the sta-
 tute of the 13th of *Rich. 2.* by which Commission they have
 power given them to hear and determine of the breach of
 those statutes,——*Secundum legem & consuetudinem Regni*
nostrî Angliæ, ac terræ nostræ *Hiberniæ*, nec non vim for-
 mam et effectum Provisionum, Statutorum, & Ordinationum,
 temporibus Progenitorum & Antecessorum nostrorum Regni
nostrî Angliæ inde Consecutorum——according to the law
 and custom of the Kingdom of *England*, and Land of *Ire-*
land, and the force, form, and effect of the Provisions; sta-
 tutes,

tutes, and ordinances, made in the times of our Progenitors and Ancestors of our Kingdom of *England*.—And in particular of one *William Oulton*, who is said in that Commission to have procured a Provision from the Pope for the Treasurership of the Cathedral Church of *St. Patrick's Dublin*, and of the Church of *St. Andrew*, annexed to the said Treasurership. By all which it is plain, that though these statutes (as in the Commissions are recited) were made in the Parliaments at *Westminster*, yet they were received and executed in *Ireland* many years before the statute of the 32d. of *Hen. 6.* in *Ireland*, which confirms them; whereby it is manifest, that the Author is deceived in his whole discourse in this part, wherein he takes it for an infallible truth, upon which he much rests, that the statutes of *England* were confirmed in *Ireland* before they were there executed; and that before their confirmation in Parliament there they were not there of force.

The next statute by him cited is of 37. *Hen. 6.* in *Ireland*, which in effect is the same as that of 18th *Hen. 6.* Chap. 1. in *England*, concerning the dates of Letters Patent, which must needs be the statute he means; for there is no other but that only made in that Parliament in our printed statutes, and wherein all that tends to this purpose are the words at the end of it, which limits it to begin the first of *March* next following, and from thenceforward. The like is the statute of 8. *Edw. 4.* by him cited for one of his judgments in Parliament, which saith, “that the People learned
“in this Kingdom have conceived some doubts, whether
“the statute made in *England* (which was the statute of
“6. *Rich. 2d.* concerning Rapes) ought not to be of force
“in this land. In avoiding of all inconvenience, and the
“mischief which might happen because of the ambiguity of
“that statute, it is enacted, that the said statute be adjudged and approved in force and strength, and that the
“said statute may be of force in this land from the 6th of
“*March* last past.” By which it appears that they agree, that the statute be adjudged in force and strength against the doubt which was made, whether it were so or no before; but for the execution of it, which is another clause distinct from adjudging it to be of force, it seems it was thought fit, that it should be of force as to the execution from the 6th of *March* last past before the statute; and so for the said
statute

statute of 37. *Han.* 6. that it should begin to be of force from the first of *March* next following the statute. And this exposition stands with good reason, and with the use and practice of those times of putting the laws made in *England* in execution there. For as it appears before, the statutes of *England* were transmitted thither under the King's Seal, and there published, and from that time executed; therefore it is probable, that these statutes had not been transmitted thither, and therefore, though they should be of force there upon their making, yet it were hard that they should be there executed, before the People of that Land had notice of them; and therefore these statutes do publish themselves, and limit the execution of them from about the time of their publication: and this exposition ought the general clause in the Act of 8 *Edu.* 4. to receive, which saith, "that from henceforth the said Act (that is, the statute of 6 *Rich.* 2.) and all other Acts made by authority of Parliament in *England*, be ratified and confirmed, and adjudged by authority of this Parliament in their force and strength from the said 6th of *March*." And according to this exposition seems to be the opinion of the Parliament in the 14. *Han.* 7. for punishing of Customers, &c. for their misdemeanors, which enacts, "that all and every Act of Parliament made in *England* for punishing of customers, &c. be put in execution by the Officers of this Land, according to the tenor of them, and as they be put in execution by the King's Officers in *England*; and that every of the said Acts be authorized and affirmed by this present Parliament, provided that this Act shall not be put in execution till the said Act of *England* be proclaimed at *Dublin*, &c. to the intent that Merchants may know what these Acts be, and the pains of the same."

By this Act it appears, that first it is ordained, that the Acts in *England* be put in execution, and then declares, that they are authorized and affirmed as Acts (by which word *authorized* is meant only *declared* to be of force, as will appear by the answer to the next statute) there to be executed, but not before notice given of them to the People. And this we see daily by experience is the use in all Commissions, that although they be of force from the sealing and making of them, yet until they be published, that notice may be had of them, men are not punished for disobedience

to them. But in all these fore-recited statutes, there is not a word, that the laws of *England* were not of force there before confirmed, nor any thing tending that way, which no doubt would have been in some of them, if the Parliament there had so conceived the law to be.

Another of the statutes by the Author cited is, 10. Hen.^{10. Hen. 7.} Chap. 22.^{Chap. 22.} commonly called *Poining's Act*; which saith, "forasmuch as there hath been many good and profitable statutes made in *England*, &c. whereby the said realm is ordered, and brought to great wealth and prosperity, and by all likelihood so would this land, if the said statutes were used and executed in the same. Therefore it is ordained, &c. that all statutes late made in *England* concerning the common and publick weal of the same, from henceforth be deemed good and effectual in law, and ever be accepted, used, and executed in this land of *Ireland* in all points, &c. and over that, by authority aforesaid, every of them be authorized, proved, and confirmed in this land of *Ireland*." From which statute, if the words of it be well observed, and compared with the words of the statutes of the same Parliament, Chap. 5. and 8. no such conclusion will follow, as the Author would have, but the contrary. For, saith the statutes, by all likelihood this land would flourish as well as *England*, if the statutes of *England* were used and executed in the same, not if they were made laws there, therefore it doth ordain, that from henceforth they be deemed good and effectual in law, and over that, they be accepted, used, and executed in this Land of *Ireland*. Now, if we look upon the statute made this very Parliament, Chap. 8. we shall the better understand what the sense and meaning of the same Parliament was by these words (*deemed good and effectual in law*) for that statute recites, that forasmuch as the statutes of *Kilkenny* were made for the publick weal of the King's subjects in *Ireland*, to keep them in due order and obedience; and all the season that the said statutes were set in use, and duly executed, the said land continued in prosperity and honour, and since they were not executed the subjects rebelled, &c. The premisses considered, be it ordained, enacted, and established by authority of this Parliament, that all and every of the aforesaid statutes be authorized, approved, and confirmed, and be deemed good and effectual in the law duly

to be inquired of, and executed according to the tenors of them, and every of them. I think no man will deny, that the statutes of *Kilkenny*, which were made there, 40. *Edw.* 3. were in force there when this statute was made; for that very Parliament. 10. *Hen.* 7. Chap. 18. a statute was made for the extirpation of a new manner of coin and livery upon pains comprized in the statute of *Kilkenny*. Why then should this statute Chap. 8. ordain, that the statutes of *Kilkenny* be authorized (the very word used in the statute of *Hen.* 7. Chap. sole, before cited) approved, and confirmed, and deemed good and effectual in the law, and to be executed, &c. when out of all doubt they were in force, before? Certainly it could be to no other end than to declare them so to be, that the People might take the better notice of them, and more duly see them executed. The like is the statute against Provisors made that Parliament of 10. *Hen.* 7. Chap. 5. which ordains, that all manner of statutes, as well made within the realm of *England*, as within the said Land of *Ireland*, against Provisors, by authority of this very Parliament, be authorized, approved, and confirmed; and be deemed good and effectual in the law, as hath been before shewed. There was no manner of doubt but that they were of force before, and likewise confirmed by the afore said statute of 32. *Hen.* 6. So this statute of 10. *Hen.* 7. Chap. 22. because it was, and is, very probable, that many of the statutes made in *England* since the 8. *Edw.* 4. were not transmitted thither (for the statute saith they were lately made) so that the People of that Land might take notice of them, therefore this statute doth publish and declare all the said statutes to be deemed good and effectual in the law, and that from thenceforth (that is, from the publication of them by this statute) they shall be used and executed.

And that this is the meaning of the makers of this statute appears by the title of it, which is, an Act confirming all the statutes made in *England*. Now, if the statutes of *England* were not of force before, then as to this Kingdom there were no such laws at all, and to confirm a thing which is not, is a meer void confirmation; for a confirmation of a thing that is void, or is not, is also in itself
void.

void (*k*). Therefore, it must needs be, that this Parliament intended to confirm that which was before *in esse* there, that is, the laws of *England*, and to declare them to the People that they were of force, and ought to be executed. (*k*) *Coke's*
1st. Inst.
295. *Plowd.*
the Earl of
Leicester's
Case.

Upon all which, considering that the laws made in *England* were there received and executed before any confirmation of them there, and that therefore these statutes ought to be expounded as declaratory laws only, giving notice to the Subjects that they should be obeyed, and not by the makers of them intended to be enacted as new laws, which were not there before, we may safely conclude, that none of these Acts make any thing for the Author's purpose, that the laws of *England* do not bind in *Ireland*, but rather the contrary.

But for a final answer to all these statutes, if we should admit that there were such statutes made there, as the first three by the Author alledged, of which we see no proof, and that the rest of the aforesaid statutes ought to be expounded according to the Author's sense, or that it were clearly expressed in them, that *Ireland* is not bound by the statutes of *England*, until they were there confirmed by Parliament, must it therefore of necessity follow, that the law is so? *If the foot should say, I am not of the body, is it therefore not of the body?*

It appears plainly before, that after the Conquest *Ireland* was bound by laws made only in *England*, which were executed there long before the statute of the 13th *Edw. 2.* which is the first statute by the Author alledged that confirms any of the statutes of *England*. It is likewise apparent, that after the statute of the 13th *Edw. 2.* and the 19th of *Edw. 2.* by him cited, the laws of *England* were there received and executed, without and before any confirmation of them in *Ireland*; and that laws made in *England* only for *Ireland* were there executed before any confirmation of them there. It is also evident (unless they will deny their own Acts of Parliament made in *Ireland* to be law) that *Ireland* is the King's proper dominion of *England*, and a part and member of *England*, and united and annexed to the same.

Shall then *Ireland* say, or can it say, I am not belonging to, or to be governed by the laws of *England*, or be ruled by them, because there is a law made there against it? Can any

any inferior Court bind the supreme Court, which governs them, and gives them laws? Sir *William Jones*, late Chief Justice of the King's Bench in *Ireland*, when he was resident there, declared his opinion clearly, that the laws of *England* did bind *Ireland*, and those statutes of the 13th of *Edw. 2.* and 19th of *Edw. 2.* and the 29th of *Hen. 6.* being urged against his opinion, his answer was, that in former times, when Popery reigned in *England*, the Pope did excommunicate the Bishop of *St. David's*, and thereupon the Bishop of *St. David's* did excommunicate the Pope: which of these two excommunications were then valid (said he) and of force? I think every man will say, the Pope's. So the Parliament of *England* have a long time made laws which bind in *Ireland*, and were there executed, as being always under their power; and the Parliament of *Ireland*, a member of *England*, makes laws, that they will not be bound by the laws of *England*, which of these laws shall be in force?

Many Cities and Corporations both in *England* and *Ireland* have power to make by-laws to bind themselves; but if they should make a law, that the laws that they make shall not be examined by the Courts of the King's Bench or Common Pleas, or that no law shall bind them but what they confirm and allow, no man will conceive that such laws are binding, even among themselves. So *Ireland* had power to make laws to bind themselves, and yet hath, following the directions of the statutes of the 10th *Hen. 7.* and the 3d and 4th of *Philip and Mary*, without having any relation to the Parliament of *England*, and without having their laws confirmed by the Parliament there; but hath not power to make such laws as may bind or exclude the Parliament of *England*, who hath power, and hath used to give them laws, and to confirm or revoke the laws which they shall make, as they please, as appears in *St. John's* argument before cited, or that they shall not be bound by laws made in the Parliament of *England*, of which representative body they are a part and member, any more than an inferior Court hath power to make laws contrary to the Common Law. And whereas the Author tells us of the judgments of eight several Parliaments in *Ireland* before the statute of the 10th of *Hen. 7.* to the contrary whereof, you see what ones they are, we may tell him, without any wrestling of them,

them, of hundreds of judgments contrary to that which he would infer out of those statutes. For we see by the fore-named Records, that in the times of *Edw.* 1, 2, 3. *Rich.* 2. *Hen.* 4, 5, 6. until in *Edw.* the 4th's time, all the laws of *England* were there by a statute made in the 8th of *Edw.* 4. declared to be of force in all those times, the Judges in *Ireland* received the laws made in *England*, even those made for *Ireland* only, and put them in execution. These Judges were most of their own nation, and we ought to believe, that their judgments and opinions were, that the laws made in *England* were binding in *Ireland*, without any confirmation of them by Parliament there; otherwise they would not have received them, and put them in execution, but some in one time or other would have opposed them, and stood upon their laws made there, and the liberties which those laws gave them. But we do not find it mentioned at any time, that they, or any of them, ever did so, but in all times received the laws of *England*, and put them in execution, after they had been transmitted to them, notwithstanding any such statutes made to the contrary, as by the Author is alledged; which is an argument sufficient in itself to convince any, that the opinions of all the Judges there in all times were, that the laws (if any such were) made there to bind in the Parliament of *England* were in themselves merely void.

But saith the Author, besides all the foresaid statutes since the statute of *Hen.* 7. the judgments of five several Parliaments, viz. the 28th of *Hen.* 8. the 33d of *Hen.* 8. the 28th of *Eliz.* the 11th of *James*, and 10th of *Charles*, are, that the statutes in *England* cannot bind in *Ireland* till confirmed by a Parliament in *Ireland*, and that since King *John's* time never any introductory or positive law hath been there received or executed, till they were there enacted by Parliament. The latter part of the Author's affirmation appears, by what has been said, to be utterly mistaken, and so are all the rest.

The judgments of five Parliaments so lately made make a great noise; but no manner of proof hath been made, that there are any such judgments, nor hath the Author produced any particular Act in confirmation of what he alledges, or which mentions such a thing. He tells us only of statutes made in these Kings times in *England*, which were after-

wards

wards enacted in *Ireland*, and that they were not received, nor of force there, until they were afterwards enacted in several Parliaments in *Ireland*. But if, on the contrary, it should be said, that they were of force there before they were enacted there, I know not why it should not be believed, as well as what he saith, and that too upon a better ground than his bare assertion to the contrary; because laws made in *England* only in former times were received, and executed there, without any confirmation by Parliament in *Ireland*; and doubtless if these Acts he now speaks of had been either transmitted under the Seal, and commanded to be published and executed, or that *Ireland* had been particularly named in them, which amounts to a notice, there can be no true cause shewn, why they should not have been binding in *Ireland* as well as other statutes have been. And in truth the utmost that can probably be enforced from these statutes in these five several Parliaments is, that these statutes were made in *England*, but never executed in *Ireland* until they were enacted there. Therefore laws made in *England* did not bind *Ireland* before they were there confirmed by Parliament; for else why should they be enacted there?

To which it is answered, that there is only a presumption and probability, and *stabitur præsumptioni, donec probetur in contrarium*;—presumption shall prevail until the contrary be proved;—but when the contrary to the presumption appears, there the presumption vanishes. It were indeed a probable argument, if it were true, and stood singly by itself, and nothing else were in the case, that statutes made in *England* did not bind in *Ireland*, because they were never there executed till confirmed by Parliament in *Ireland*. But take all the case together. That statutes made in *England* (as is formerly proved) did bind in *Ireland*, and were there executed, without enacting them in *Ireland*, that they were only certified thither to be published, and so executed, that *Ireland* is a member of *England*, that these statutes made after in *Ireland*, which were before made in *England*, were never transmitted, nor *Ireland* in particular named in them, whereby the People of that land might take notice of them, that the enacting of them in *Ireland* is but a declaration, that those laws should be there executed only, instead of a transmission and publication of them, or particular nam-
ing

ing of *Ireland*, and then all this presumption will fall to the ground, and the argument be of no force.

The Author, after reciting the forenamed statutes, as proofs of his assertion, that *Ireland* should not be bound by the laws of *England*, without confirmation of them there, makes some objections. In the first whereof, taking it as a thing granted, that the laws of *England*, where *Ireland* is not named, do not bind in *Ireland*, yet (saith he) it may be objected, that all such laws as have been, or shall be, made in *England*, wherein *Ireland* is particularly named, are and shall be of force there without any confirmation in *Ireland* as the statute of the 14th of *Hen. 3.* called *Statutum Hiberniæ*—The statute for *Ireland*,—the Ordinance of the 17th of *Hen. 3.* called *Ordinatio pro statu Hiberniæ*,—an Ordinance for the state of *Ireland*,—and the opinion of *Hussey*, that statutes made in *England* shall bind *Ireland*, and likewise an opinion in *Calvin's* case, 7th Rep. fol. 17. that though *Ireland* be a distinct dominion from *England*, yet, the title thereof being by conquest, the same by judgment of law by express words may be bound by the Parliament of *England*; for proof whereof the writ of error is cited, that it doth lie out of the King's Bench in *England* of an erroneous judgment given in the King's Bench of *Ireland*.

To the first of these objections he answers, that the statute of the 14th of *Hen. 3.* called *Statutum Hiberniæ*,—The statute for *Ireland*, is no introductory law, but an explanation of the Common Law; to which we only now say, that admit it to be so, yet that the power to make a declaratory law is one and the same with the power to make an introductory law, as we have shewn before, and therefore if they have power to make one kind of law, they have power to make the other.

Concerning the statute called *Ordinatio pro statu Hiberniæ*,—an Ordinance for the state of *Ireland*, he saith, it was never received there, nor is it an Act of Parliament, about which we will not now contend with him, having shewed before, that statutes made in *England* only were received in *Ireland*, and there executed; although something in this particular might be said, that might shrewdly trouble him, if it were needful.

As to the opinion of *Hussey*, what he hath objected against it, and how his objections and reasons are answered, we have declared before.

Concerning the opinion in *Calvin's* case he saith, that besides the book cases in the 20th of *Hen. 6.* and the 2d of *Rich. 3.* (which books he much relies on, and often cites, though to what purpose we have before examined) he saith, we shall find divers judgments of Parliaments in *Ireland* to the contrary since the statute of *Hen. 7.* and cites three Acts in *Ireland*, which had been formerly made in *England*, and then tells us of many inconveniencies may happen if the law should not be as he saith, and then at last comes again to answer the objection, which himself raised concerning the writ of error, which we will for order's sake first consider, and put all his arguments together concerning it, and then look upon his three Acts, and the inconveniencies by him alledged.

Although (saith he) a writ of error to reverse a judgment of the King's Bench in *Ireland* may be prosecuted in the King's Bench in *England*, it doth not therefore follow, that the Parliament in *England* may repeal, alter, or change, any of the statutes of the land, or give new laws unto them. For, if a writ of error be brought in *England* to reverse a judgment given in the King's Bench in *Ireland*, the Judges in *England* are not thereby to change the laws of *Ireland*, or give judgment according as the law is in *England*, but as the law is in *Ireland*, where the first judgment was given. As if a man be attainted of Felony, the wife in *Ireland* shall be barred to demand her Dower; but in *England* by the statute of *Edw. 6.* she shall not be barred; and the Judges in *England*, upon a writ of Error in such a case, must judge as the law is there in *Ireland*, which case is granted; for the statute of *Edw. 6.* was never published in *Ireland*. But what conclusion the Author would draw from hence he doth not express, nor, I think, can any surely guess, unless he will from hence say, that therefore the Parliament of *England* cannot make laws to bind in *Ireland*, because they must judge of cases in *Ireland* as the law is in *Ireland*, and not as the laws are in *England*, if their laws in any particular differ. And, if that be his meaning, we deny that argument. For we may as well say, if a question were between Parties concerning the title of *Gavel-kind* or *Borow-English* lands

lands in any of the King's Courts, because the Judges must judge the right of the land to be according to the custom of *Gavel-kind* or *Borow-English*, and not according to the rules of the Common Law, therefore these lands are not subject to an Act of Parliament to alter that custom, and make those lands descendible according to the course of the Common Law.

But in truth, the argument in *Calvin's* case to prove, that *Ireland* is not absolute, and separate from *England*, but subject to the Parliament and laws thereof, is, that the declaration of the laws in *Ireland* is subject to the exposition of the judges of the King's Bench in *England*, and that *Ireland* is bound by them, and that therefore *Ireland* is not absolute of itself, but subject to, and under the government and power of *England*, and to receive laws from them. It is confessed on all sides, that a writ of Error lies out of the King's Bench in *England* to a judgment given in the King's Bench in *Ireland*, and so hath been the constant practice, and so mediately of judgments given in other Courts. For if a judgment be given in an inferior Court, which by writ of Error is affirmed in the Common Pleas, which judgment by another writ of Error is again examined and affirmed in the King's Bench, yet upon a writ of Error out of *England*, the King's Bench there may reverse the judgment given in the King's Bench in *Ireland*, and command execution to be done according to their judgment, contrary to all the former judgments given in *Ireland*; and that judgment also may by writ of Error be brought into Parliament in *England*, and there be examined. How then can it possibly hang together, that *Ireland* should be a distinct separate Kingdom, over which the Parliament of *England* has no power, when one ordinary Court of Justice in *England*, subordinate to the Parliament of *England*, hath power to contradict all the expositions of laws, and command them to execute the laws, as they shall expound them, and have power to punish them if they do not. For, to have power to declare what the law is, and to cause it to be executed, as it is declared, is the most sure and undeniable argument of power in them that command, and of subordination in them that obey, that can be.

Again, if *Ireland* were absolute of itself, and not under the power of the Parliament of *England*, the writ of Error

of a judgment given in the King's Bench in *Ireland*; ought to be returnable only in the Parliament of *Ireland*, and not in the King's Bench in *England*; but we see it usual to be in either.

There is in *Ireland* the copy of a Record, which is said to agree with the Record in the Treasury of the King's Bench in *England*, and to be *de Termino Trinitatis*, Anno *Hen. 6. 6^{to}* Rot. 41. The Record is exceeding long, but the substance of it is, that a writ of Annuity was brought in the Court of Common Pleas in *Ireland* by the Prior of *Lbanthony* in *Wales* against the Prior of *Mullengar* in *Ireland*, wherein the Prior of *Lbanthony* had judgment, which was by writ of Error brought into the King's Bench in *Ireland* by the Prior *Mullengar*, and there the judgment of the Common Pleas was affirmed. Upon this the Prior of *Mullengar* brought a writ of Error in the Parliament of *Ireland*, where both the former judgments were reversed. And thus far of this case we find in the Parliament Rolls of *Ireland* in the 5th of *Hen. 6.* Upon which the Prior of *Lbanthony* brought a writ of Error out of *England* upon that judgment given in the Parliament of *Ireland*, returnable in the Chancery of *England*, which being thither returned, together with the whole Record, was by the Chancellor of *England* *per manus suas proprias*—by his own hands, delivered into the King's Bench in *England*, and saith the Record,

• Postea (sc.) termino S. Hillar-
• rii ultimo præterito, coram
• Domino Rege apud *Westmo-*
• nasterium venit prædictus
• Prior de *Lbanthony* per *Alex-*
• andrum Kingston, Attornatum
• suum, et dicit, quod in Re-
• cordo & Processu prædicto,
• ac etiam in redditione Judicii
• prædictæ Loquelæ in dicto
• Parlamento Domini Regis,
• ut præmittitur, habiti, diver-
• simodè est erratum, et petit
• breve ad præmuniendum præ-
• fatum Priorem de *Mullengar*
• effendi coram Domino Rege
• ad

Afterwards, to wit, in *Hillary*
Term last past, the said Prior
of *Lbanthony* appeared before
the King at *Westminster*, by
Alexander Kingston, his Attor-
ney, and said, that in the said
Record and Proceſſe, and also
in the giving judgment upon
the said plea in the said Parlia-
ment of the King, had, as afore-
said, there are divers errors,
and demanded a writ to warn
the said Prior of *Mullengar* to
appear before the King to hear
the Record and Proceſſe upon
the said Plea in the said Parlia-
ment

* ad audiendum Recordum et
 * processum prædictæ Loquelæ
 * in dicto Parlamento Domini
 * Regis, ut præmittitur habitos,
 * si, &c. per quod Mandatum
 * fuit Venerabili in *Christo* Pa-
 * tri, *Richardo*, Archiepiscopo
 * *Dublin*, Cancellario Domini
 * Regis in terrâ ipsius Domini
 * Regis in *Hiberniâ*, quod idem
 * Cancellarius per breve Do-
 * mini Regis dictæ terræ ipsius
 * Domini Regis mandari faciat
 * Vicecomiti Domini Regis *Mid-
 * diæ* in eadem terrâ, quod
 * idem Vicecomes per probos,
 * &c. scire faciat præfato Priori
 * de *Mullengar* essendi coram
 * Domino Rege ad hunc diem
 * (sc.) in octabis S. *Trinitatis*
 * ubicunque, &c. audituro Re-
 * cordum et Processum dictæ
 * Loquelæ in dicto Parlamento
 * Domini Regis, ut præmitti-
 * tur, habitos, &c.' All which
 * being done, as the writ com-
 * manded, saith the Record,
 * et præfatus Cancellarius Do-
 * mini Regis in terrâ dicti Do-
 * mini Regis in *Hiberniâ*, re-
 * turnavit, quod per breve Do-
 * mini Regis terræ *Hiberniæ*
 * mandari fecit præfato Vice-
 * comiti *Midie*, quod idem
 * Vicecomes per probos, &c.
 * scire faceret præfato Priori
 * de *Mullengar* essendi coram
 * Domino Rege ad præfatam
 * octabis S. *Trinitatis*; qui
 * quidem Vicecomes returnavit,
 * quod scire fecit, &c. Qui
 * quidem Prior de *Mullengar*
 * juxta præmunitionem prædic-
 * tam sibi in hac parte factam
 * per *Andream Pill*, Attorna-

ment of the King, had, as a-
 foresaid. If, &c. upon which
 a Mandate issued to the Vener-
 able Father in *Christ*, *Richard*,
 Archbishop of *Dublin*, Chan-
 cellor of the King in *Ireland*,
 that the said Chancellor should
 command the King's Sheriff of
Meath in the said land, that
 the said Sheriff should by good
 and lawful men warn the said
 Prior of *Mullengar* to appear
 before the King on this day,
 namely, on the octaves of the
 Holy *Trinity*, &c. to hear the
 Record and Proceſſe of the said
 Plea in the said Parliament of
 the King held as aforesaid, &c.
 All which being done, as the
 writ commanded, saith the Re-
 cord, and the said Chancellor
 of the King of the said land of
Ireland returned, that by ver-
 tue of the King's writ he issued
 a Mandate to the said Sheriff
 of *Meath*, that he should by
 honest, &c. summon the said
 Prior of *Mullengar* to appear
 before the King on the said
 octaves of the Holy *Trinity*, to
 which the said Sheriff returned,
 that he had warned, &c. And
 the said Prior of *Mullengar*, ac-
 cording to the said summons
 upon this occasion served, ap-
 peared by *Andrew Pill*, his
 Attorney, and thereupon a day
 was given, as well to the said
 Prior of *Lbanthony*, as to the
 said Prior of *Mullengar*, in the
 same state as at present, before
 the King to the octaves of St.
Michael, whereſoever, &c.

' tum suum, venit, et super
 ' hoc dies datus est tam præ-
 ' fato Prior *Lbanthoniæ*, quam
 ' præfato Priori de *Mullengar*,
 ' in statu quo nunc coram Dô-
 ' mino Rege usque in octabis
 ' *S. Michaelis*, ubicunque, &c.'

By this Record it appears, that a writ of Error hath been brought in *England*, whereby a judgment in the Parliament of *Ireland* was to be examined in the King's Bench of *England*, which writ was executed, the Records sent thither, and the Plaintiff and Defendant in the said writ of Error there appeared, and had day given them to the term following; and doubtless, if it had been conceived, that *Ireland* had been so absolute of itself, that the Parliament of *England* had no power over it, there would have been exceptions taken to the writ of Error, especially being between such manner of men, who would lose no advantages that might have made for them, and to whom three judgments before could not give satisfaction. And therefore, it is more than probable, that it was in these times conceived, that the King's Bench in *England* had power to examine a judgment given in the Parliament of *Ireland*, and if they had, then much more had the Parliament of *England* such power. And therefore, from what has been said, we may truly conclude a *Minori ad Majus* (which is an argument that always holds affirmatively, for *quod in Minori valet, valebit in Majori*) that an inferior Court in *England* to the Parliament there, as the King's Bench, hath power over them in *Ireland*, and can bind them, therefore much more hath the Parliament, which can bind even the King's Bench in *England*.

Coker. Instit.
 fol. 253.
 260.

And whereas the Author saith, that though a writ of Error may be prosecuted out of the King's Bench in *England*, to reverse a judgment in the King's Bench in *Ireland*, it doth not therefore follow, that the Parliament of *England* may repeal the statutes of *Ireland*, or give new Laws to them. I answer, that therefore it doth follow, because the King's Bench in *England* hath power to repeal the judgments of law given in *Ireland*, and declare the law to be according to their judgments, contrary to the judgments given in *Ireland*, which they ought, and ever have obeyed, therefore much

more

more hath the Parliament of *England* power over *Ireland* to repeal or alter the laws, or give them new ones. And if they have any power over them, it must needs be in those things; because the power of Parliaments consists chiefly in altering, repealing, and giving new laws, and if this power be denied them, they shall have little or no power at all.

But yet the Author hath not done with his Writ of Error. He thinks it sticks close to him; and therefore, after a large discourse of other matters, towards the end of his book, he saith, that about 9 years after the opinion delivered by *Hussey*, *Coke* in *Calvin's* case broached the like doctrine, but was not so liberal as *Hussey*, limiting it only to statutes, when *Ireland* is particularly named; and for his proof saith, he alledgeth no authority but the Writ of Error to reverse the erroneous judgments in *Ireland*, which is neither *ad idem*, nor upon the same reason: for, saith he, (I pray mark his reasons) the Writ of Error had a long and continual usage to warrant it, whereby it hath obtained the force of a law, being neither against the law of reason, nor law of God, or against any maxim of the Common Law, nor against any statute law; especially, because the Judges of *England* upon the Writ of Error must judge according to the law of *Ireland*, and not according to any other law, and also hath two rules of law to support the same, (*viz.*) *a communi observantiâ non est recedendum*.—Common customs must not be departed from—and, *consuetudo est optima legum interpretres*.—Custom is the best interpreter of laws. But to warrant the opinion of *Hussey* or *Coke*, there is neither law of reason, nor usage, nor any other ground of law.

The Author, it seems, is angry with all that are not of his opinion, though he shews no reason for it, else he would have spared such language of Lord *Coke*, as broaching an opinion, whose memory for his high deserts of these Kingdoms, and his extraordinary deep learning, and judgment, both he and we all should ever honour. But why is not *Coke's* citing of the Writ of Error *ad idem*, not upon the reason? Because, saith he, the Writ of Error had a continual usage to warrant it, whereby it hath obtained the force of a law, being neither against the law of reason, nor the law of God, nor the maxims of the Common Law, or statutes. Doubtless, this is no good reason, by which he him-

self, seeking to condemn *Coke's* opinion, doth make it good, and justifies it; for, in effect, it is only this. The law is, saith he, that the King's Bench of *England* hath power over the King's-Bench here in *Ireland*, because it hath had a longer usage to warrant it; therefore, say we, it must of necessity follow, that the law of *England* hath power over *Ireland*; for it hath had so by a long usage and continuance: neither is it against the law of reason, nor of God, nor against the maxims of the Common Law, nor any statutes in force, that the Parliament and laws of *England* should bind in *Ireland* in any particular, but agreeable to the law of reason: for by that law, and continual usage, Conquerors may give laws to the conquered; and, as he confesseth, that the usage of the Writ of Error hath made it a law, so the usage of the Parliament of *England* doth make their Acts bind in *Ireland*, if there were no other reason, this were argument sufficient, that the law is so; and the Author by his own confession, that by the usage of the Writ of Error it hath obtained the force of a law, doth thereby confess, that *Ireland* is subject to the government of *England*; for that law, which he confesseth to be law, gives power to the government of *England* over *Ireland* to controul them there; which being law by his own confession doth utterly destroy that opinion of his, that *Ireland* is absolute of itself, over which *England* has no power; and, if *Ireland* be so in this case, I would willingly hear, why it should not be so in all others, especially considering the former proofs, that *Ireland* hath from time to time received the laws of *England*, and had them there executed, and were governed there by them. And for his two rules in law, they make clearly against him. For the custom having always been, that the Parliament of *England* made laws which did bind in *Ireland*, and which there are still observed, therefore custom will interpret, that the law is so, from which we must not recede. And whereas the Author would not have *Ireland* bound, though it be particularly named in an Act in *England*, for which he shews us no reason, yet I cannot be satisfied, but that it may be bound, though not particularly named, as it appears they have been from time to time, if the statutes made in *England* were sent thither, and published, and commanded to be put in execution, as it was done in former

mer times, before they were declared there by Parliament, of which opinion *Hussey* seems to be. For he saith, generally, that the laws in *England* do bind in *Ireland*. Neither do I find, or ever heard it to be adjudged, that the Parliament of *England* cannot by their Acts bind *Ireland*, unless it be particularly named, although the Judges in later times have made exposition, that they do bind if *Ireland* be named; by which it seems they intended, that they of *Ireland* ought to have notice of the laws made in *England*, before they be bound by them, which upon the matter is all one with the antient usage done either by transmitting the Acts out of *England*, as aforesaid, or by naming them particularly in the Act.

Now, let us examine the statutes, which the Author cites to prove, that notwithstanding *Ireland* be named in a statute made in *England*, yet it doth not bind *Ireland* without confirmation of it by Parliament there. For clearing of this point, saith he, and answering this objection, we shall find divers judgments of Parliament in *Ireland* contrary to the opinion of *Calvin's* case (which is that *Ireland* may be bound if it be particularly named) since the 10th of *Hen. 7* and he cites three statutes; where, by the way, we may observe, that he appeals to the judgment of the Parliament of *Ireland*, whom he would have to be Judges in their own cause, whether *England* can bind them or not. Though indeed they give no judgment therein, nor meddle therewith, unless it be to give judgment against him.

The first of his statutes is the Act made of 24th *Hen. 8.* Chap. 12. in *England* concerning Appeals, which Act by express words, extends to all his Majesty's dominions; yet, says he, that Act was not received, nor of force in *Ireland*, until it was there enacted in 28. *Hen. 8.* Chap. 6.

Also the statute in 26th *Hen. 8.* made in *England*, concerning first-fruits of the Clergy, extends by express words to all the King's dominions, yet was not of force, nor received in *Ireland*, until enacted there in 28th *Hen. 8.* Chap. 14.

Likewise, saith he, the Act of Faculties made in *England* in 21st. *Hen. 8.* extends by express words to all the King's dominions, yet was not received, nor of force in *Ireland*, until enacted there in 28th *Hen. 8.* Chap. 19.

This

This is an argument of the same kind that his former were upon the aforesaid statutes formerly cited by him, that they were first made in *England* before they were executed there, therefore they were not of force there before, and therefore may receive the same answer that the former did; only, he saith, that these statutes by express words extend to all the King's dominions, and yet were not of force in *Ireland* until they were enacted there. But how proves he that? We have not one word from him to prove it, or is there a word in these statutes which makes it appear, that the Opinion in *Calvin's* case is not law, or that these statutes made in *England* were not of force in *Ireland*, before they were confirmed there by Parliament.

There was a statute made in *Ireland* Anno 18th *Edw. 2.* as we may find it in a Patent Roll of that year remaining in the Exchequer in *Ireland*, that the Common Law, and the good usages of the Land be kept and maintained in all points. Was not the Common Law therefore of force in *Ireland* before that statute? And it plainly appears, that these Parliaments in *England* did conceive, that these three acts were of force in *Ireland*, and to be executed there. For the statute of 24th *Hen. 8.* In *England*, concerning Appeals to *Rome*, saith, that if suits be commenced before the Bishop Diocesan, then the Appeal must be to the Archbishop of *Canterbury*, if it be within his Province, and if it be in the Province of *York*, then to the Archbishop of *York*, and so likewise (saith the statute) to all other Archbishops in other the King's Dominions, as the case by order of justice shall require. So that by the judgment of all these three Parliaments, who declared, that these Laws were to be executed in all the King's Dominions, they had power to make Laws to bind *Ireland*, otherwise, as is said before, they should shew much ignorance, and offer to deal very unjustly, which no man ought to imagine of them. The statute of 25 *Hen. 8.* Chap. 10. concerning the electing of Archbishops, &c. hath the same words, that at every avoidance of any Archbishoprick, &c. within this Realm, or in any other the King's Dominions, &c. which statute he after in answer to his own objections confesseth, was never confirmed in *Ireland*, yet was in *Ireland* executed, as we may see in *Fitz Herbert's* natura Brev. Fol. 169. of which more hereafter. And therefore we may more truly say than the Author doth

to the contrary, that since the statute 10. *Hen. 7.* we find divers Acts of Parliament in *England*, which did adjudge *Ireland* bound by the statutes made in *England*. And this appears by the statutes themselves in *Ireland*, which confirm the three aforesaid statutes. For the statute of 28. *Hen. 8.* Chap. 6. concerning Appeals in *Ireland*, saith, that the land of *Ireland* is the King's proper Dominion of *England*, and united, and belonging to the Imperial Crown thereof, which Crown of itself, and by itself, is fully, wholly, intirely, and rightfully endowed with all power and authority to yield to all their Subjects of the same full and plenary remedies in all cases of strife, &c. If therefore *Ireland* be the King's proper Dominion of *England*, united to the Imperial Crown of the same, then is it not an absolute divided Kingdom from *England*? If the subjects of *Ireland* be the subjects of the Crown of *England*, which Crown of itself can give remedies (*i. e.* Laws) for the Government of all that are subjects to that Crown, then can it give Laws to *Ireland*, as to the subjects of the Crown of *England*, and as members thereof. And by the other statute by him cited, *viz.* 28. *Hen. 8.* Chap. 19. of faculties, it is in a manner declared plainly, that that very statute in *England* doth bind *Ireland*; for after that the whole statute made in *England* is therein recited, then saith that statute, forasmuch as it is mentioned in that act, that the effects thereof should not only extend to the Realm of *England*, and to the commodity thereof, and of the subjects of the same, but also to all other the King's Dominions, and his subjects, and that this the Kingdom of *Ireland* is his proper Dominion, and a member appending and rightfully belonging to the Imperial Crown of *England*, &c. Be it therefore enacted, that the said Act, and every thing therein contained shall be established, affirmed, taken, and obeyed, as a good and perfect Law, &c. By which it is very manifest, that the Parliament in *Ireland* did conceive themselves to be members of the Crown of *England*, and were to receive Laws from them, and that *Ireland* was not absolute of itself; but saith the act, because the act in *England* did mention, that it should not only extend to *England*, but to all other the King's Dominions, and that *Ireland* is a member of *England*, therefore they declare this act to be a good and perfect Law, and to be obeyed in *Ireland*.

But,

But, saith the Author, these acts were never received nor executed in *Ireland*, until they were enacted by Parliament there. To which it is answered, that neither he nor we can tell, whether they were executed there or not, or whether they were published there before they were enacted there or not, though it be likely they were not. For the act of Faculties was made in *England* in 21 *Hen. 8.* and, which is seven years after, in 28. *Hen. 8.* confirmed in *Ireland*. The act of first fruits was made in *England* 26 *Hen. 8.* and within two years after, in 28 *Hen. 8.* confirmed in *Ireland*. The act of Appeals was made in *England* in 24. *Hen. 8.* and within four years after, in 28. *Hen. 8.* confirmed in *Ireland*. And if we consider the great consequences of those acts, that they concerned the change of a great part of the Government of *England*, and did much concern the Clergy, who then had the powerfullest part of the Kingdom, we may well think, that the state of *England* had care first to settle these Laws in that Kingdom, before they could publish them, or command them to be executed in *Ireland*. And though the state of *England* and *Ireland* did well know, that these Laws did bind *Ireland*, yet considering likewise, that the People of *Ireland* were, in a manner, wholly addicted to the *Pope*, and governed much by the Clergy, whom these acts did so much concern, it was wisely and circumspectly done to have those laws taken notice of in a time, which they thought fittest, and that in the most publick manner they could, which was by declaration and confirmation of them in Parliament, that the whole Kingdom might be the better satisfied of their force, and strength, which if they had not been so done, yet being made for all the King's Dominions, were of force without any such declaration.

The Author, having cited these statutes, saith, that forasmuch as the Laws of *England* and *Ireland* do not admit of any inconveniencies, it is to be considered, what inconveniencies may follow, if the Kingdom of *Ireland* should be bound by any statute made in *England*, and not confirmed by act of Parliament in *Ireland*. First, saith he, the Parliament of *Ireland* would be nugatory and superfluous, if by naming *Ireland* in any statute made in *England*, *Ireland* should be bound, and then all the Parliaments held in *Ireland* since the 12th of King *John*, for the space of about

400 years, should be needless and superfluous, which is not to be imagined.

The Author in all his discourse lays down many things, as granted to him, which are utterly mistaken, and to be denied, or else from them he draws such conclusions, as are not consequential, as in this inconvenience by him alledged. For, though the Parliaments in *England* may by statutes bind *Ireland*, yet it doth not follow, that the laws made in *Ireland* are nugatory. The Cities of *London*, *Dublin*, and many other Cities both in *England* and *Ireland*, have power, and do use to make Laws for the better order and government of their Corporations, many of which have been allowed and confirmed unto them by Acts of Parliament, and this thought to be convenient for the better regulating of them; yet no man can truly conclude from thence, that this is superfluous or nugatory; because the Parliament may take away that power from them, or avoid all the Laws by them made. So the Parliament of *Ireland* hath power to make Laws, for they may find many inconveniencies fit to be remedied, which the Parliaments of *England* may not be informed of; and so they have from time to time done, by which Laws they have continually governed, and yet are, and which have never been contradicted by the Parliament of *England*, nor, for ought we know, never will; but yet it doth not follow from thence, that the Parliament in *England* cannot make Laws to bind *Ireland*, no more than in the former case of Corporations; neither is it to be imagined, that the Kings and Parliaments in *England* will ever avoid any Laws made in *Ireland* without good and just cause, since they have not done any such things for about four hundred years, which is time enough to have experience of their honour, Justice, and care of this Kingdom, in which this Kingdom, next under God, ought chiefly to trust.

The second inconvenience cited by the Author is, that if the statutes made in *England* should bind in *Ireland*, then by the same reason a statute made in *England*, may repeal, alter, or change, all the statutes hitherto approved of, or which hereafter may be approved of in *Ireland*, which were a thing marvellous inconvenient for that Kingdom; and *Littleton* saith, that the Law will rather suffer a particular mischief, than a general inconvenience: and it is most certain

tain that—*Argumentum ab inconuenienti est in lege. fortissimum*—An argument drawn from an inconvenience is of the greatest force in Law.—The 3d inconvenience alledged is, if the Parliament of *England* and *Ireland* be holden at one and the same time, as they now are, and the one Parliament should make a Law, and the other should make another Law directly contrary in some point, it may be demanded, which of these Laws should be obeyed in *Ireland*.—To which I answer, that such a thing cannot be supposed to be done, unless the Author will admit, that the King, without whose consent neither of these acts can be made, doth consent unto them both; and I hope no body will lay such an imputation upon the King, as to make him do one thing in *Ireland*, and the direct contrary in *England*, and all this at one time, and both for *Ireland*. But if he will have it admitted, that such a thing is so done, I answer, that considering what before is proved of the subjection of *Ireland* to the Parliament of *England*, that the Law made in *England* is to be obeyed, and not that made in *Ireland*; and no more absurdity or inconvenience will follow of it, than that a Law made in a Corporation, which hath power to make Laws, should be void, if an act of Parliament were made directly contrary to the Law.

The 4th inconvenience alledged is, if statutes made in *Ireland* by them, who best know the state and condition of the Kingdom, and People there, should be repealed or changed, or new Laws imposed by the Parliament of *England*, which cannot possibly know the state and condition of the Kingdom of *Ireland* so well, as those who inhabit, and have been born there, or lived there many years, it would be very inconvenient. For then, no man's estate could be secure or permanent by the Laws of *Ireland*, and what dangerous consequences may follow thereon by the discontent of that Nation, he leaves to the consideration of those that are in authority, and best know how to prevent such inconveniencies. And, considering the statutes of *Ireland* are made with such cautions, and in such form, as is prescribed by *Poining's* act, and the statutes of 3. and 4. *Phil.* and *Mary* (the substance of which statutes he recites) therefore he concludes, that he cannot conceive why the Laws and statutes, made in *Ireland* should be controuled, or any ways altered by any other authority, than by the Parliament of that

that Kingdom; for—*nil tam conveniens est naturali equitati, unumquodque dissolui eo ligamine, quo ligatum est.*—Nothing is so agreeable to natural equity, than that every thing should be dissolved by the same tie, by which it is bound.

The Author's inconveniencies hang much upon one string, as on this, that the Parliament of *England*, if they should bind *Ireland*, may alter men's estates, so that they could not be secured by a Parliament in *Ireland*, (which is in substance the same with his second inconvenience) which, as is said before, cannot be supposed so long as we shall conceive them to be just and honourable; and the same argument may be made against their having any Parliament in *England*; for they may alter and change the estates of the subjects there, and so may the Parliament do in *Ireland*; so as men can have no secure and permanent estates: and therefore we may as well conclude, there ought to be no Parliament in *England* or *Ireland*, or that they ought not to have power to bind men's estates, because they may change or alter them. But can the Author shew us, that they ever did so without just cause, and yet they have been intrusted many hundred years with our lives, liberties, and estates; therefore we may with good reason say, seeing the Kings and Parliaments in *England* have always laboured to settle the Kingdoms of *England* and *Ireland* in peace, and to secure their estates unto them, that they might enjoy them quietly without suits of Law, or other disturbances, and seeing that for above 400 years they have never done hurt to *Ireland*, nor taken away the right or estate of any man without just cause, but still endeavoured to maintain them in their rights, liberties, and estates, therefore we may well trust them hereafter, as well as they have been trusted hitherto, and not make a vain conjecture without any ground of reason, that they may disturb the estates of the subjects of *Ireland*, therefore they are not to be trusted or have power over them.

Concerning the ignorance of the Parliament of *England* of the state and condition of *Ireland*, and of the people thereof, and that those which were born, and have lived there many years, know it much better, and that the consequences may be dangerous in discontenting that nation, I marvel much, that the Author should at this time tell us of these

these reasons to shake off the Government of *England*; I would he would give so much credit to the Parliament of *England*, as any reasonable man will to the Common Council of a Corporation, who will not in charity believe, that they will do any thing so ignorantly, but they will know and give some cause of their knowledge for what they do. But we all know with what great consultation, deliberation, and knowledge of things, and the circumstances of them, the Kings and Parliaments of *England* have still ordered their affairs; and therefore their own actions have justified them, and we may, as all our Ancestors have done, trust to their wisdom, justice, and Judgment; as a sufficient hedge and security for us.

But for the knowledge of those of *Ireland*, who were born, and have lived there many years, what it is, and what the conditions of too many of that people are, and how they are best able to redress the inconveniencies thereof, if we may judge of the most of such and of their Conditions, by the effects, we find by miserable experience, that they are such, as would utterly destroy the true worship and service of God, and all men that do profess it, which they have already done almost to the uttermost, that they would root out all the honest and good subjects of that Kingdom, which in a very great part they have done, and that by unheard of cruelties, that they would most unjustly and against all Laws take away all the estates of the *British* in the Kingdom, which with their estates drawn out of *England* and *Scotland* they have purchased there legally, and appropriate a great part of them to a barbarous, bloody, cruel, merciless sort of people, which they have likewise generally done throughout the Kingdom, and this not upon any discontent given them (which the Author it seems accounts a very dangerous thing) but at a time, when his Majesty had taken away all their pressures and grievances, of which they complained, and had granted them more graces and immunities, than ever former Kings had given them. Now men that are of this condition (and which are but too many of that Nation) that have done these, and many other most horrid villainies, and that in a time of peace, when all reasonable satisfaction was given them, and that without the least provocation offered them, and when they were trusted by the *British*, and accounted and used by them, as if they had been

been their dearest friends, and allies, and even many of those, who were convoked together to make Laws for the good of the Kingdom (for it appears evidently that many of the *Popish* Members of both Houses of Parliament were the great actors of this horrid treason) do not these men highly deserve to have power to make Laws without controul? Do they not well know the state and condition of the People, and how to redress their grievances? Doubtless the redress they would have is no other than utterly to root out the Protestant Religion, and professors of it, and utterly destroy both it and them. And if they have done these things when his Majesty laboured to give them all the content, that could stand with the state of that Kingdom, and Government thereof, what would they do, being Men of such a condition, if they had just cause of discontent indeed? Surely these their actions will too sufficiently inform the King and Parliament of *England* what the state and condition of that Kingdom and People is; so that it is not now to be doubted, but they better know in *England* what Laws are in truth fit for them, than they themselves do; and if ever they had cause, now they have, to maintain their right and power over them, which in all times heretofore they have had. And for the knowledge of men born there in former ages, and what Laws they have made, when they themselves had the Government there for the good of that Kingdom, look but upon the statute of 10. *Hen.* 7. Chap. 3. in *Ireland*, whereby it appears, that they had a custom in *Ireland*, that all Traitors, Rebels, &c. which came into *Ireland* for succour, should have free liberty without molestation, notwithstanding any command from the King directed to any Officer, &c. to be executed against them; which custom was approved by act of Parliament in *Ireland* in the time of *Hen.* 6. and by that act it was further ordained, that it should be treason for any Man that should bring any such writ or command to attach any such Traitor, &c. and such act was there put in execution, as by the statute of 10. *Hen.* 7. appears. And by a statute of 2. *Rich.* 3. Chap. 8. (which we shall at large recite) it was ordained, that the Chancellor of *Ireland*, the Treasurer, the Chief Justices, &c. (who are all named there in particular) shall be adjudged fully in every of their several offices, severally to have and to hold every of them severally his office for term of

PART II. N life,

Davis p.
233.

life, any manner, matter, cause, or thing had, or to be had; to the contrary notwithstanding. And therefore their own act in 11 *Eliz.* Sess. 3. Chap. 8. in *Ireland* saith, that when liberty was given to the Governors to call a Parliament at their pleasure, acts passed as well to the dishonour of the Prince, as to the hindrance of the subjects; and if they did such things formerly, any indifferent man may judge, what those men, having so much expressed their intentions, would now do, if they had the same liberty.

As for the statutes of 10 *Hen.* 7. called *Poining's* act, and 3. and 4. *Philip* and *Mary*, doubtless they were statutes made with great wisdom, and may still be used to the great good of *Ireland*, which yet the *Irish* now much labour to have taken away, as we may see by their late remonstrances, and propositions; although formerly, when they were rightly affected to the Crown of *England*, and service thereof, they utterly refused to allow of any alteration or suspension thereof, and which if they should procure, and get liberty to make Laws without controul, the state of *England*, and all the *British* there, may in time take leave of Religion, Liberties, and all that is belonging to them in *Ireland*. But yet these Laws prove nothing at all, that the Laws made in *England* cannot bind *Ireland* without confirmation of them in Parliament there, nor is there a word in them to that purpose, but only they direct the order of making Laws in *Ireland*, when the King shall please to have a Parliament there summoned. And for the rule cited by the Author, that—*nil tam incōveniens, &c.*—nothing is so inconvenient, &c. I am sure he will not say, that things done in one Court cannot be avoided in another Court of as high a nature; for the meaning of the rule is, and so hath been ever expounded, that matters of record must be avoided by matters of record, &c. though they may be done in another Court. And therefore the Parliament in *England* being a higher Court of record than the Parliament of *Ireland*, and which hath power over them, as hath been proved, may well make Laws for *Ireland*, and repeal statutes by them made, and this according to natural equity, with which this rule fully agrees.

The Author's 5th inconvenience, that the Government of *England* and *Ireland* is as well political as royal, and the Laws thereof are grounded upon a parity of reason, and legal policy,

policy, and it stands not with the rule of reason and political Government, that the liberties, lives, and estates of those of *Ireland*, and their posterities, should be bound by statutes made in *England*, whereunto they are no ways parties or privies. For by the rules of reason and politic Government, to all Statute Laws, which bind the whole Common Wealth, all the members thereof are to give their assent (*viz.*) the King, Peers, and Commons.

To which I answer, that it is true, that a statute doth not bind without the assent of King, Lords, and Commons; but I further answer, that it stands with the rules of reason, and politic Government, that the liberties, lives, and estates, of those in *Ireland* should be bound by statutes made in *England*, because they are members of that Commonwealth, and parties to the Laws made there; else how comes it to pass, that in so many ages, and so many Kings Reigns heretofore, they have been bound by the Laws made only in *England*, and the statute of 28. *Hen.* 8. Chap. 19. in *Ireland*, saith, that they are members belonging to the Crown of *England*, and therefore subject to the Laws and Government thereof. And whereas the Author tells us (which is granted him) that to have an act made there must be the assent of the King, Lords, and Commons, and therefore, saith he, that in the 27. *Hen.* 8. Chap. 26. when *Wales* was united by Act of Parliament to be a member and part of the Realm of *England*, and inheritable to the Laws thereof, it was thought reasonable, and so enacted in that Parliament, that every County should have one Knight, and every Borough one Burgess to have voices in Parliament, and that the like was made for the County Palatine of *Chester* to send Knights and Burgesses. Yet still I must ask him, what he infers from thence? If it be any thing to the purpose it must be, that therefore without sending of Knights, and Burgesses to Parliament, *Wales* and *Cheeshire* could not be bound, and from thence draw the like consequence for *Ireland*, otherwise he proves nothing. But these precedents of *Wales* and *Cheeshire* prove directly contrary to what he would have. For it appears plainly, that many territories and counties were bound by the Parliament of *England*, which neither sent Knights nor Burgesses thither, as *Wales* itself. For by the statute of the 4th of *Hen.* 4. chap. 33. it was enacted, that the garrisons and walled towns in *Wales*

be stored sufficiently of valiant *English* persons, strangers to the Seigniories where the castles be set; and chap. 27. that no waster, rhimer, minstrell, or vagabond be in any ways suffeined in the land of *Wales* to make commotions; and in the same year chap. 28. that no congregations be made or suffered to be made by the *Welsh* in any place of *Wales* to make or take any council, but for evident cause, and by licence of the chief Officer of the same Seigniorie upon pain of imprisonment, and to make fine and ransom at the King's will. By the statute of the 25th of *Hen. 6.* Chap. so'e, grants made of markets, &c. to any *Welchman* were made void. And by the statute of the 27th of *Hen. 8.* chap. 26. (by the Author himself cited,) it appears, that *Wales* at that time was not made a member of *England*, for as the Author saith, or the statute saith, that the principality of *Wales* is justly and righteously, and ever hath been incorporated, united, and subject to, and under the temporal Crown of that realm, and a very member and joint of the same; and in *Coke's* 7th Rep. fol. 21. it is said, that since the 12th of *Edw. 1.* *Wales* is parcel of the body of *England*; therefore before this Act *Wales* was a member of *England*, and bound by the statutes made there, as appears by the former recited statutes concerning *Wales*, yet had neither Knights nor Burgessees in the Parliaments of *England*. So likewise the County Palatine of *Chester* was bound by the Acts of Parliament of *England*, before they had power or did send Knights or Burgessees to the Parliament, as appears by the expresse words of the Act of the 34th of *Hen. 8.* by him cited, which gave them power to send them.

From all which it is evident, that Acts of Parliament of *England* did bind Dominions, as *Wales*, and County Palatines, as *Chester*, and that they were not such privies or parties as did send Knights or Burgessees thither. But as great a reason might have been alledged, that they ought to have been freed from being bound by the Parliament of *England*, as the Author would have *Ireland* to be. And therefore I conclude, that it is necessary to every statute, that shall bind the Common Wealth, to have the Assent of the King, Lords, and Commons; so it is not necessary to have Knights and Burgessees from every Seigniorie, Dominion, or County; but the assent of the three estates in Parliament there met together

together shall bind all the members of the Crown of *England*, and all others who are subject to their power.

The Author's sixth inconvenience is, that it is inconsistent with the dignity, power, and jurisdiction of the High Court of Parliament, that the same should be subordinate to the Parliament of another kingdom. For the Court of Parliament is *Curia altissima & suprema*, and by the laws of *England* and *Ireland* hath a double capacity of jurisdiction, the one ordinary of judicature, the other supreme and legislative, and therefore being supreme and legislative cannot be subordinate to the controul of any other power.

To which I answer, that it is not inconsistent with the power of the Parliament of *Ireland* to be under the controul of the power of the Parliament of *England*. For although the Parliament of *Ireland* be *Curia suprema et altissima*, having respect only to *Ireland*, yet as *Ireland* hath relation to *England*, and as it is considered as a member of the Crown of *England*, and subject to the power thereof, it is not *Curia suprema*, nor is their legislative power absolute, but under the controul of the Parliament of *England*. We may call the King's Bench in *Ireland* *Curia suprema* for matters of law in the course of ordinary justice, from whence there is no appeal there in *Ireland*, if the Parliament sits not: But if we consider it as it has relation to the King's Bench in *England*, who have power over that Court, and over the proceedings and judgments therein, it is not the supreme Court of ordinary justice; and the same we may truly say of the Parliament of *Ireland*.

And whereas the Author saith, that though the People of *England*, *Scotland*, and *Ireland* are subjects to the King, yet it is *respectu diversorum*,—in divers respects,—and each kingdom hath its several Parliaments, and several laws; and therefore it doth not follow, that the Parliament of one kingdom should be subordinate to another. For then the Parliament of *Scotland* should be subordinate to the Parliament of *England*, which never was. Neither did the *French*, when the greatest part of *France* in the time of *Hen. 6.* was subject to the King of *England*, ever acknowledge themselves to be subject to the Parliament of *England*.

To this it is said, that *Scotland* and *Ireland* in this case cannot be compared together, nor any argument framed, that because *Scotland* is not subject to the Parliament of *England*,

land, therefore *Ireland* is not. For *Scotland* was never subject to the Parliament of *England*, because it was never united to the Crown of *England*, nor was ever subject to the Dominion and Government of *England*: it was never conquered by *England*, nor received laws from them; but was always a distinct and separate kingdom in all respects, and governed only by their own proper laws, and not by the Common laws of *England*. But the direct contrary is of *Ireland*, which is a kingdom united to the Crown of *England*, and a member of it, which from time to time hath received laws from it, and whose laws are generally the same with the laws of *England*, and hath still been bound by them, and by the laws there made; and therefore a wide difference between it and *Scotland*. And this is no new coined difference, but the same which hath been antiently taken, and is alledged by Justice *Moile* in the 7th of *Edw.* 4. where, saith he, a protection of a Voyage Royal into *Ireland* shall not be allowed; for that it is within the jurisdiction of this realm; but otherwise, saith he, it is of *Scotland*. And as for the parts of *France*, which the Kings of *England* enjoyed, whether they did acknowledge themselves to be subordinate to the Parliament of *England*, under correction, I think it is not so suddenly to be determined, as the Author would have it. We find divers Acts of Parliament, as is before remembered, for *Calais*. By the whole Court in the 21st of *Hen.* 7. fol. 32. b. an attachment lies against the Mayor of *Calais* for a contempt in not obeying the King's writ granted out of Chancery, and returnable into the King's Bench, and that a writ of Error returnable in the King's Bench lies of a judgment given in *Calais*; and in the 5th of *Hen.* 8. chap. 1. an Act was made in *England* appointing a means how debts, &c. in *Tournay* and *Terwin* due by them of those places to others, and prescribes the ways to be used by the Officers of *Tournay* for recovery of them; which could not be done by the Parliament of *England*, if they had no power over them. But admit they made no such acknowledgment (which whether they did or no I believe the Author knows not) yet the Kings of *England*, besides their title by conquest, had another good title to them, and might make use of it, and suffer them to enjoy their laws, by which they were formerly governed, for the better quieting, contenting, and settling of these people; and

St. John's
Argument
before cited
62, 63.

and therefore no way to be compared to *Ireland*, which had their laws given them by the Parliament of *England*, even from the conquest, by which they were governed, and which was always accounted a member of *England*, which no part of *France* ever was.

After the Author hath done with his inconveniencies, he raiseth another objection, which might be made against his opinion, which he saith is more probable than any of the former, and so I think it will prove, and that he saith is upon a branch of the statute of the 25th of *Hen. 8.* chap. 20. in *England*, concerning the electing of Archbishops, &c. which is, that at every avoidance of any Archbishop, &c. within *England*, or any of the King's Dominions, the King may grant to the Prior and Convent, or Dean and Chapter, where the See is void, a licence under the great Seal, as of old times hath been accustomed, to proceed to the election of an Archbishop, &c. of the See so void, with a letter missive containing the name of the Person which they shall elect; by virtue of which licence they, to whom such licence and letter missive shall be directed, shall in due form chuse the said Person. named in the said letter missive to the office of an Archbishop, &c. and none other; which Act, saith he, was never confirmed in *Ireland* by any Act of Parliament, and yet *Fitz-Herbert* saith, that if a Bishoprick in *Ireland* is void, they sue to the King of *England* to go to the election of another, and after election made they must have his royal assent upon certificate thereof made to the King, and upon that a writ shall be directed out of the Chancery in *England* to the Chief Justice of *Ireland*, commanding him to take the Fealty of the Bishop, and restore him his Temporalities, which writs are made of course in the King's name; but the King doth name the Bishop both there and in *England*, and then the Chapter shall chuse him whom the King names. Whereupon, saith the Author, it may be objected, that a statute made in *England* is binding in *Ireland* without any approbation of the Parliament there. To which he answers, that this statute consists of several parts; first, of the King's right and prerogative by the antient Common Law. Secondly, an advice how the King may use this prerogative, for that the words are not compulsive, that the King shall grant a *Conge de eslier*, but that the King may grant such a writ with a letter missive; and

after a discourse made by him of the King's antient right to Bishopricks, and how he may give them by his antient right, he concludes, that King *Henry* the 8th by his antient title and royal prerogative, notwithstanding this statute of the 25th of *Hen.* 8. might confer Bishopricks by his letters patent without any such *Conge de eslier*, as is mentioned in the said statute; for it was in his election to use the form prescribed in the statute, or to use his antient prerogative.

To which it is shortly said, That we shall not dispute whether the Act shall bind the King to grant Bishopricks according to the said limitation; for upon this case, which the Author puts, the question is not, whether the King may grant Bishopricks either according to the antient Common Law and his prerogative, or whether he be bound by vertue of the statute, and according to the form therein prescribed to grant Bishopricks; but whether he did in truth grant them according to the order prescribed in this Act. For if he did, then he makes his election to do it by vertue of this Act. Now the Author confesseth, that this Act was never approved in *Ireland* by Parliament, and yet in vertue thereof Bishopricks were granted in *Ireland*, which was a different way both from the donation of them by the King's antient title and prerogative by the Common Law, and from the electing of such whom the Dean and Chapter should please to chuse, which by usurpation upon the King's antient rights they had formerly done. For by this Act they ought to elect him who is named in the letter missive, and no other; and therefore, the order appointed by this Act for the election of Bishops being used in *Ireland* according to this statute, and the Bishops being made in *Ireland* according to the form prescribed therein, it must of necessity follow, that this Act of the 25th of *Hen.* 8. was in force in *Ireland* without any confirmation of it there, which the Author confesseth was never done: and therefore, by the same reason other Acts made in *England* may be of force in *Ireland* without any confirmation of them by Parliament there. And I think no Man could have cited a case against the Author's opinion more fully and home to the case in question, than this his own case is, to which he gives no satisfactory answer, but tells us what the King by the Common Law may do, of which we doubt no more than himself doth.

After

After the Author hath answered the objections raised by himself, he saith, that upon serious consideration of all that has been said, three considerable questions may be moved.—First, Whether upon the conquest made by King *Henry 2.* immediately *ipso facto* the Kingdom of *Ireland* was inseparably annexed to *England*, or subordinate to the jurisdiction of that Parliament or not.—This question, he saith, may receive this answer.

That *Ireland*, being a Christian Kingdom, the laws thereof did continue till such time as the Conqueror should establish others, or some other form of Government therein, which was not done till the 12th of King *John*, which was thirty eight years after the conquest, during which time the antient laws of *Ireland* continuing, it is manifest that the laws of *England* had not any footing there; and therefore *Ireland* during that time could not be subordinate to *England*, nor could the Parliament of *England* extend their jurisdiction into *Ireland*, all which may be proved out of *Calvin's* case.

If the Author's answer should be admitted for truth, then let it be observed what will follow of it. For he saith before, that if a King conquers a Christian kingdom, the Conqueror may alter the laws thereof, but until he doth, the antient laws of the kingdom remain. But if a King hath a kingdom by descent, there by the laws of that kingdom he doth inherit, and therefore cannot change those laws without consent of Parliament; whence it must needs follow, that for thirty eight years after the conquest the *Brehon* law, which was the law of *Ireland*, was the only law whereby *Ireland* was governed, which the Author seems to affirm. For all that time, saith he, the antient laws continuing, the laws of *England* had not any footing in *Ireland* till King *John* Anno 12^o. Regni gave them the laws of *England*.

Now *Coke* in *Calvin's* case fol. 17. b. saith, that there had been two descents of *Ireland*, one from *Hen. 2.* to King *Richard*; which being granted, as the truth is, all the Author's discourse is to little purpose; for then *Ireland* was not separated from *England* by the grant of King *Henry* the 2d. to King *John*, and another from King *Richard* to King *John* before the alteration of the laws; which if it be admitted, how then could King *John* alter the laws, which were there in force before, seeing it was a Christian kingdom,
and

and enjoyed its laws for two descents. And if, on the other side, as the Author would have it, King *John* came to the kingdom by purchase, and by the grant of his Father, if the *Irish* laws were then in force, and no alteration made in them by *Hen. 2.* it must follow, that King *John* must take the kingdom as it was given him, which was then subject to, and governed, as the Author affirms, by the *Brehon Law*; and how could King *John* then alter that law? But *Coke* is not any way to be lessened of the honour due to his memory, or the authority of his opinion in matter of law to be the less regarded for his mistaking in this particular of the time of the altering of the laws in *Ireland*, it being no error of his judgment in law by the not knowing of the truth of the matter of fact of a thing done in another kingdom, whereof, it seems, he had not notice; and therefore, setting his opinion aside, for the clearing of this, if we consider how wise a Prince *Hen. 2.* was, we cannot well conceive, that he would leave *Ireland* after he had conquered it without any laws given to them by which they should be governed, and suffer them to be ruled by the *Brehon Law*, which the statute of *Kilkenny* calls a *leud custom*. Nor is it to be imagined, if we consider the great multitudes of the *English* that came over into *Ireland*, and that were born there by the *English* in thirty eight years space after the conquest, in which time, and soon after, the greatest part of the conquest was made in all parts of *Ireland*, that they should have no laws to govern them by; or is it almost possible, that a kingdom should be without laws all that time, or is there any probability, that the *English* would receive the laws of the conquered uncivil people, and subject themselves to their *Brehon* barbarous Laws; and therefore we may well conclude, that during the first thirty eight years they of *Ireland* either repaired into *England* for the deciding their controversies, which if it be said, it must then follow, that thereby they were subject to the Government of *England*, or that King *Hen. 2.* did alter the *Irish* laws, and gave them the laws of *England* to be governed by in *Ireland*, which that he did is apparent by what follows. — By the grants made to *Fitz-Stephens* and *Cogan*, cited out of *Hoveden*, and before mentioned, King *Hen. 2.* reserved sixty Knights fees, and in the grant made to *Herbert* sixty, and in that to *Hugh de Lacy* fifty; which reservations are strong arguments

arguments that *Hen. 2.* gave the *English* laws to them of *Ireland*: For there were no such reservations ever heard of before among the *Irish*, who were governed only by the *Brebon* law, by which they held their lands in a course of *Tanistry*, (1) but to this reservation of *Hen. 2.* there are (1) *Davis's Reports, cases of Tanistry and Gavel-kind.* incident (m) wardship, marriage, relief, ayd for making his son a Knight, and for marriage of his Daughter, &c. Now it is not possible that the King should have these incidents, which by this reservation the law of *England* gives him, if the laws had not likewise appointed him a means to come by them, which of necessity must be by the course appointed by law in his Courts; and therefore it must necessarily follow, that there were then the laws of *England*, and Courts for the execution of those laws, and bringing in those profits to him, erected by him, otherwise his reservations had been idle and fruitless. But we may be well assured, that he, that had such care to make such reservations so profitable for himself according to the laws of *England*, would also have the same care to provide means to have the profit and benefit of the same brought to him by the same laws.

And that the laws of *England* were brought into *Ireland* immediately after the conquest by *Hen. 2.* may be gathered out of the grants made by *Richard*, Earl of *Strongbow*, who being Governor here under *Hen. 2.* granted land according to the laws of *England*, and reserved *English* tenures thereupon, as by the ensuing Record appears, which we may find in the forenamed Roll of *Edw. 3.* in the Rolls Office, intitled, *Antiquissima litera patentes et Commissiones, viz.*

* Comes *Richardus*, Vices Domini Regis *Angliae* in *Hibernia* agens, omnibus, &c. Sciatis me dedisse & concessisse, ex parte Domini Regis *Angliae*, *Waltero de Riddlesford Urien*, cum totis pertinentiis, &c. istas terras habebit pro feodo unius Militis sibi et heredibus suis de Domino Rege *Angliae*, et heredibus suis, &c. (and after granting him divers

Earl *Richard*, Viceroy of the King of *England* in *Ireland*, to all, &c. Know ye, that I have, on the part of my Lord, the King of *England*, given and granted to *Walter de Riddlesford Urien*, with all its appurtenances, &c. which lands he shall hold by one Knight's fee to him and his heirs of the King of *England*, and his heirs, &c. (and after granting him divers

| | |
|-----------------------------------|----------------------------------|
| divers other lands, he saith,) To | divers other lands he saith) To |
| ' tenendum & habendum in | have and to hold in fee and in- |
| ' fædo et hæreditate per liber- | heritance by the free service of |
| ' um servitium trium Militum | three Knights to be done at |
| ' Dublin faciendum, &c. | Dublin, &c. |

Now it is manifest, that *Strongbow* died in 1176, in the 22d. year of *Hen. 2d.* and that *Hen. 2.* conquered *Ireland* in the 17th year of his reign; so that there being but five years at most between the conquest and *Strongbow's* death, and this grant being made by him before his death, therefore the laws of *England* were brought into *Ireland* presently after the conquest, and also there executed. For we

(n) Vincent's
Catalogue
of Nobility.
p. 412.

find that *Strongbow's* daughter and heir was in ward (n) divers years to *Hen. 2.* and by him given in marriage to *William Marshall* the elder.

In the same Roll it appears by a grant made by King *John* before he was King, beginning, *Johannes, filius Domini Regis Angliæ, et Dominus Hiberniæ,*—*John* Son of the King of *England*, and Lord of *Ireland*, that he grants to the Abby of *Lenton* the lands of *Ballybane*, to be holden in *Frankalmoine*, and likewise to *Robert de St. Michael* the lands of *Dangen*, and other lands,

| | |
|----------------------------------|---------------------------------------|
| ' Quas idem Robertus habuit | The lands of <i>Dangen</i> , and o- |
| ' de dono Domini Henrici, Pa- | ther lands, which the said <i>Ro-</i> |
| ' tris mei, cum Soch, Sach, | bert held of the gift of my fa- |
| ' & Toll, et Them, & Infang- | ther, <i>Henry</i> , together with |
| ' thef, et judicio aquæ & ferri, | Soch, Sach, and Toll, and |
| ' et duello, & fossa et furcis, | Them, and Infangthef, and the |
| ' retentis ad opus meum dona- | judgment of Water and Iron, |
| ' tionibus Episcopatum, &c. | and tryal by combat, and the |
| ' et placitis et querelis, quæ | jurisdiction of the pit and the |
| ' ad Regis Coronam pertinent, | gallows, retaining to my own |
| ' &c. | use the donation of Bishopricks, |
| | &c. and Pleas which belong to |
| | the King's Crown, &c. |

To this grant *John de Coursey* is one of the witnesses; therefore it must needs be before *John* was King, as by the stile also appears. So that it is plain that the laws of *England* were in *Ireland* long before *John* was King, and pleas of the

the Crown there also at this time in use; for else why should *John* reserve those to his own use, if no such had been there?

We find in that Roll the like grant to *Walter Riddlesford*, beginning,—*Johannes, filius Domini Regis Angliæ, & Domini Hiberniæ.*—*John*, Son of the King of *England*, and Lord of *Ireland*.—wherein he grants him divers lands, and confirms to him other lands,—*quas Comes Richardus, filius Comitis, ei dedit.*—Which Earl *Richard*, Son of the Earl, gave to him—and grants him a market.

| | |
|--|---|
| <p>‘ Cum Soc, Sac, et Tol, et Them, Infangthef, et judicio aquæ & ferri, & duello, & fossa et furcis, & cum wreeco maris, & omnibus libertatibus, &c. exceptis Croceis et Donationibus Episcopatum, &c. et placitis, & querelis, quæ ad Coronam Regiam spectant, quæ ad usum meum proprium retinui.’</p> | <p>Grants him a Market, with Soc, Sac, Toll, and Them, Infangthef, and the judgment of water and iron, and combat, and the jurisdiction of the Pit and the Gallows, with wreck of sea, and all liberties, &c. except the crosses and donations of Bishopricks, &c. and pleas and querels belonging to the King’s Crown, which I have reserved to my own use.*</p> |
|--|---|

* *Soc*, is an antient word often occurring in old Grants, and signifies the power of holding a Court, with Jurisdiction over the Lord’s Socagers, or Tenants, from whence the Tenure is called *Socage Tenure*.—*Sach* is a royalty or privilege of holding a Plea of Trespass within a Manor.—*Toll*, is a privilege as well to take as to be free from Toll or Custom within a Manor.—*Them* or *Teamé* is a royalty granted to a Lord of a Manor for the holding Plea over his Bond-men, Neifs, or Villains in his Court.—*Infangthef*, is a Jurisdiction granted to some Lords of Manors of judging a Thief taken within the Manor.—*Judgment of Water* is called *Water Ordeal*, or a purgation by Water either hot or cold, and the purgation by Iron was either stepping over 9 Plow-shares blind-folded, or by holding a piece of red-hot Iron in the hands, in either of which cases, if the party accused escaped unburnt, he was esteemed innocent. See the *Antiquities of Ireland*, p. 154. for a fuller Exposition of these Terms, and the divers manners of practising them; where also the Trial by Combat is given at large.—The Jurisdiction of the Pit and the Gallows was a privilege granted to certain Lords of Manors of punishing Felony, the men by hanging, and the women by drowning.—*Wreck of Sea*, was a Grant made to the Lords of Manors of Goods cast up on their Lands by Ship-wreck.—*Crocea*, or *Cross-Lands*, were such where Bishops and Abbots had large Jurisdictions, in which nevertheless the King had a Sheriff and other Ministers distinct from those of the County at large. See also the *Antiquities* p. 32. I have given these short Expositions as helps to the English Reader.

It appears by the grant made by King *Hen. 2.* to the Citizens of *Dublin* (which the Author also mentions) that he granted, thus, *viz.*

• Hominibus meis de *Bris-*
• *tove* Civitatem meam de
• *Duvelinā* ad inhabitandum;
• quare volo & firmiter præci-
• pio, quod ipsi eam inhabi-
• tent, & teneant illam de hæ-
• redibus meis benè ac in pace,
• liberè, integrè, plenariè, ac
• honorificè, cum omnibus li-
• bertatibus et liberis consue-
• tudinibus, quas homines de
• *Bristowe* habent apud *Bris-*
• *toam*, et per totam terram
• meam, &c.

I grant to my subjects of *Bristol* my City of *Dublin* to inhabit: Wherefore, I will, and strictly command, that they shall inhabit and hold it of me and my heirs, well and in peace, freely, quietly, intirely, fully, and honourably, with all the liberties and free Customs, which the men of *Bristol* have at *Bristol*, and through all my Land, &c.

By this Charter there is a tenure reserved to the King and his heirs (therefore *Ireland* was not absolutely granted to *John*) which, if it had not been reserved, the law of *England* itself makes. Here is a grant also of such liberties and free Customs as the Men of *Bristow* have. And I think it will not be denied, but the liberties and free Customs of *Bristow* generally (tho' in some particular Customs they may differ) are the laws of *England*, and these being granted to them of *Dublin*, the laws of *England* must of necessity be granted to them.

In the reign of King *Richard* the first, which was long before the 12th of King *John*, the same *John* by his letters dated at *London* 16th of *May* 3d *Richard* 1st. (which grant the Author mentions) did grant,

• Omnibus meis de *Dublin*,
• tam extra muros quam infra
• manentibus, usque ad metas
• villæ, quod habeant metas
• sicut perambulatæ fuerant per
• Sacramentum proborum Vi-
• rorum de Civitate illa per
• præceptum Regis *Henrici*,
• Patriæ nostri, &c.

I give and grant to all my Citizens of *Dublin*, as well without as within the walls, to the bounds of the City, that they should enjoy their boundaries as they were perambulated, by the oaths of the good men of that City, by the precept of King *Henry*, my Father, &c.

In

In that Charter he likewise grants,

• Quod nullus Civis faciat
• duellum in Civitate de aliquo
• Appello, quod quisquam ver-
• sus eum facere possit, sed
• purgabit se per sacramentum
• 40 hominum ipsius Civitatis,
• qui legales sunt; quod sint
• quieti de Theolonio, lastagio,
• et passagio, et pontagio, per
• totam terram et potestatem
• meam; et quod Hundredum
• tantum semel teneatur in sep-
• timanâ; et quod possint mari-
• tare se, et filios, & filias, et
• viduas, sine licentiâ Domino-
• rum suorum; et quod nullus
• Dominorum suorum propter
• forenses terras habeat Custo-
• diam vel Donationem filiorum
• vel filiarum suarum, aut vi-
• duarum, sed tantum Custo-
• diam tenementorum suorum,
• quæ sunt de feodo suo, donec
• ætatem habent.

That no Citizen shall wage
combat within the City upon
any Appeal that any Person
should bring against him, but
shall purge himself by the oaths
of 40 legal men of the said
City; that they be acquitted
of Toll, † Lastage, and Pas-
sage and Pontage, through all
my Land, and wherever I have
power; and that their Hundred
Court shall be held only once a
week; and that they may mar-
ry themselves, their Sons and
Daughters, and Widows, with-
out licence from their Lords;
and that none of their Lords,
upon account of their holding
foreign Lands [*i. e.* Lands
without the City limits,] shall
have the Wardship or Donation
of their Sons, Daughters, or
Widows, but only the Ward-
ship of the tenements, which
belong to their fee, till they
come of age.

That they should hold their land within their Mears *per liberum burgagium*,—by free Burgage—with many other liberties and privileges in that Charter mentioned, concern-
ing Replevins, Recognizances, &c. whereby it appears,
that the laws of *England* had footing in *Ireland* long before
the 12th of King *John*. For in the 3d of *Rich. 1st*, Ap-
peals, Hundreds, Tolls, Lastage, &c. Tenures, Wardships,
Replevins, and many other parts of the Common Law were

† Lastage is a Custom exacted in Fairs and Markets, the Freedom from
which is called Lastage.——As Passage and Pontage is an Exemption
from Tolls or Duties to be paid for passing through places, or over bridges,
where such Tolls were exacted——Marriage was the free disposal of
Heirs in Marriage, which the Kings of *England* had while the Tenures of
Knight's service subsisted.——Burgage Tenure is a kind of Soccage
Tenure, whereby the Burghers of corporate Towns held their Lands at a
certain Rent.

in use there in *Ireland*, and from many of which the Citizens of *Dublin* got their grant of Exemption; and therefore of necessity the Common Law of *England* must be given by *Hen. 2.* they being there so well acquainted with it in less than three years after his death, and within that time procured such freedoms from them.

In tur.*Berm.*
But it is not
there now.

In the Patent Roll of 2d *Hen. 5.* we find the Grant made by *Hen. 2.* to *Hugh de Lacy* enrolled, and it is *verbatim* cited in the Annotations upon *Spencer's* view of *Ireland*, p. 124. In that Roll also there is an *Inspecimus* of a Grant to *Roger de Mortuomari*, Earl of *March*, and *Joan* his Wife, of the liberties of *Trim*, which were formerly forfeited to the King by *Theobald de Verdon*, in the beginning of which Grant there is this recital.

Edw. &c. ' Sciatis, quod
' cum Dominus Rex *Hemicus*,
' quondam Rex *Angliæ*, Pro-
' genitor noster, dudum per
' Chartam suam dedisset &
' concessisset *Hugoni de Lacy*,
' pro servitio suo, terram de
' *Midiâ*, cum omnibus perti-
' nentiis suis, tenendam et ha-
' bendam de ipso Progenitore
' nostro, et hæredibus suis, si-
' cut *Murchardus Hua Melach-*
' *lin* melius eam tenuit, vel ali-
' quis alius ante eum, vel pos-
' tea, cum omnibus libertati-
' bus et liberis consuetudinibus,
' quas idem Progenitor noster
' ibi habuit, vel habere potuit,
' seu illi dare potuit, prout in
' chartâ prædictâ plenius con-
' tineretur. Ac idem *Hugo de*
' *Lacy*, & Hæredes sui succes-
' sive, virtute donationis & con-
' cessionis prædictæ, infra ter-
' ram prædictam habuerunt
' omnimodam jurisdictionem, et
' cognitionem omnium Placito-
' rum, tam de incendio, The-
' sauro invento, raptu, & for-
' stallo,

Edward, &c. Know ye, that
whereas King *Henry*, formerly
King of *England*, our Progeni-
tor, long since gave and grant-
ed by his Charter to *Hugh de*
Lacy, for his services, the
Land of *Meath*, with all its
Appurtenances, To Have and
to Hold of our said Progenitor,
and his heirs, in the same con-
dition as *Murrogh O-Melachlin*
well held them, or any before
or after him, with all the Li-
berties and free Customs, which
our said Progenitor had or could
have had therein, or could
grant to him, as in the said
Charter is more fully contained.
And the said *Hugh de Lacy*,
and his Heirs successively, by
vertue of the said Donation and
Grant, held within the said
Land all kinds of Jurisdiction,
and Cognizance of all Pleas,
as well of burnings, as of trea-
sure-trove, Rapes, and Fore-
stalling (*i. e.* the offence of
buying up Provisions coming to
a Market, by which the price
is

- stallo, quam aliorum placito- is enhanced) as of all other
- rum quorumcunque, infra ter- Pleas whatsoever arising within
- ram prædictam emergentium, the said Land, and a Chancery
- et Cancellariam, & Scaccari- and Exchequer, and all other
- um, et omnia alia ad hujuf- things to the said Offices be-
- modi Officia pertinentia, nec- longing, as also his proper Seals
- non propria sigilla sua ad ea- appropriated to the said Offices,
- dem Officia deputata, &c. &c.

Now, if any Man should ask what King *Hen. 2d* gave with the lands of *Meath* to *Hugh de Lacy*, when he gave him all the Liberties and free Customs, which himself had or could give, the answer is plain, that he gave him power to exercise under him as a *Regulus*, or petty Prince, the laws of *England*, which *Henry* himself had given to them of *Meath*. For, saith the Grant, by vertue of this Gift (which was—de libertatibus & liberis consuetudinibus.—Of Liberties and free Customs—) he had with that Land all Jurisdiction and consufance of all Pleas, and had his Court of Chancery and Exchequer, &c. And this Jurisdiction (saith the Grant) *Hugh de Lacy* himself (who was slain above 2 years before *Hen. 2d* died) and his Heirs successively had; therefore, it is apparent, that the laws of *England* were given to *Ireland* by *Henry 2d*.

This also appears by the aforementioned Record of 6. *Edw. 2d*, in the case of the Prior of *Dundalk*, where the Jury found, that the Ancestors of *Theobald de Verdun* cito post Conquestum—soon after the Conquest—did make divers Burgessees, and enfeof them of divers Burgages, rendering 12d. out of every Burgage for all services: which being done—cito post conquestum—soon after the conquest,—must needs be long before the 12th of King *John*, (tho' the Author saith, that before that time the laws of *England* had no footing in *Ireland*) and also by *Agnes de Valentia's* case in 33d *Edw. 1.* before also cited, where he saith, that—a tempore conquestus—from the time of the conquest—the King's Writs were directed to the Justices of *Ireland* out of his Chancery of *England* to do justice to the complainants, and that such Pleas have hitherto been held in form of a Commission of *Oyer and Terminer*, which the Defendant, Sir *John Fitz-Thomas*, doth not deny; but saith, that it was never adjudged in that Land, that any should an-

swer to such Writs of suggestion out of the Chancery of *England*, if the Defendants did challenge them; therefore, if the King's Writs out of *England* were from the time of the conquest sent into *Ireland* to hear and determine causes, certainly the laws of *England* were given by *Hen. 2d.* to *Ireland*, and there by his Officers executed long before King *John's* time. Whence also, as a necessary consequence, will follow, that *Hen. 2d* made Counties, Sheriffs, and other Officers; for otherwise, how could it be possible that he could have any benefit by his reservations in *Capite*? How could any part almost of the law be executed? What should *Hugh de Lacy* have done with his Chancery, Exchequer, his Seals, or any part of his Jurisdiction, if there had not been Officers to execute the same, and the directions and commands under these Seals?

And that there were Sheriffs and other Ministers of Justice in *Ireland* in *Hen. 2d's* time we may collect out of a Patent granted by *Henry 2d* of lands in *Ireland*, which follows, and is enrolled in the said Roll of *Edw. 3d.* in the Rolls Office, intituled, *Antiquissimæ literæ p[ro]ntes & Commissionis.*

• *Henricus, Dei Gratia, Rex*
 • *Angliæ, dux Normanniæ, &*
 • *Comes Andegaviæ, Archie-*
 • *piscopis, Vicecomitibus, Mi-*
 • *nistris, Justiciariis, &c. salu-*
 • *tem. Sciatis, me dedisse &*
 • *concessisse, et præsentî Chartâ*
 • *meâ confirmasse, Nicholao de*
 • *Benchî duas Carucas terras*
 • *de Sanganat, cum pertinen-*
 • *tiis, & duas Carucas de*
 • *Balligiliregiò, cum pertinen-*
 • *tiis, et unam Carucatam de*
 • *Chelcbis ——— ad Caput*
 • *pontis, ad hospitia habenda,*
 • *sibi et hæredibus suis tenenda*
 • *de me et hæredibus meis per*
 • *servitium dimidii militis apud*
 • *civitatem meam Dublin fac-*
 • *ciendum. Preterea concedo*
 • *ei et confirmo ipsi, & hæredi-*
 • *bus*

Henry, by the Grace of
God, King of England, Duke
of Normandy, and Earl of An-
jou, to his Archbishops, She-
riffs, Ministers, Justices, &c.
greeting. Know ye, that I
have given and granted, and
by my present Charter confirm-
ed to Nicholas de Benchî the
two Carucates of Land of San-
ganat, with the Appurtenances,
and the two Carucates of Balli-
giliregiò, with the Appurteri-
ances, and one Carucate of
Chelcbis ——— at the head
of the bridge, to keep an Inn
of Entertainment by him and
his heirs, to hold of me and
my heirs by half a Knight's
service, to be done at my City
of Dublin. Besides, I grant and
confirm

bus suis, villam, quæ appellatur *Ratbdibille*, cum omnibus pertinentiis suis, et infra pertinentia centum et quinquaginta Acres terræ Arrabilis, et unum hospitium liberum in *Kilduram*, quæ fuit *Malmarini*, et unum apud *Fernes*, & unum apud *Weisford*, quod Comes *Richardus*, filius Comitis *Gilberti*, rationabiliter concessit ei & hæredibus suis, tenendum per servitium trium Militum, sicut ei concessit, et chartâ suâ confirmavit. Quare volo, et firmiter præcipio, quod prædictus *Nicholaus*, & hæredes sui, omnia supradicta habeant & teneant de me, & de *Johanne* filio meo, & de hæredibus nostris, benè, & in pace, libere, & quietè, integrè, & honorificè, in balco et plano, in pratis & pasturis, in Aquis et Molendinis, in vivariis, & staghis, et piscaturis, in viis et semitis——ad ea pertinentibus, & cum omnibus libertatibus, & liberis consuetudinibus suis. Teste *Richardo* Archiepiscopo *Cantuarensi*, *G. Eliensi*, *Johanne Norwicensi* Episcopis, *Humphredo de Bobun*, Coustulario, &c. At the end of the Enrollment of this Patent are these words entered. Et Memorandum, quod spatia quæ superius ommissa sunt in scripto, irrotulatione ista vacua sunt; quia Charta, a quâ ista irrotulatio

scripta

confirm to him and his heirs the Town called *Ratbdibille*, with all its Appurtenances, and within the said Appurtenances an hundred and fifty Acres of arrable Land, and one free Inn in *Kildore*, which belonged to *Malmarini*, and one at *Fernes*, and one at *Weisford*, which Earl *Richard*, Son of Earl *Gilbert*, reasonably granted to him and his heirs, to hold by the service of three Knights, as he by his Charter granted and confirmed to him. Wherefore I will and strictly command, that the said *Nicholas* and his heirs should have and hold all the aforesaid Premises of me, and of my Son *John*, and of our heirs, well, and peaceably, freely, and quietly, fully, and honourably, in Woods and in Plains, in Meadows and Pasture, in Waters and Mills, in Ponds and Pools, and Fishings, in Ways and Paths——belonging to them, and with all Liberties and free Customs. Witness *Richard*, Archbishop of *Canterbury*, G. Bishop of *Ely*, *John*, Bishop of *Norwich*, *Humpbry de Bobun*, Constable, &c. At the end of the Inrollment of this Patent are these words entered. *Memorandum*, that the spaces omitted above in the Writing are left blank in the Enrollment; because the Charter, from whence the Enrollment was written, was so antient and defaced, that

O 2

scarce

‘ scripta fuit, erat ita antiqua scarce a Letter of it was to be
 ‘ & fracta, quod nemo poterat read. †
 ‘ vix literam ibidem legere.’

This Patent being made of Land in *Ireland*, and directed, amongst others, to Justices and Sheriffs, certainly there were then such Officers in *Ireland*; for it had been a vain thing to direct it to such Officers as were not in being there. And if it should be objected, that it is directed to the *French* as well as to the *English* and *Irish*, and yet there were none of them there; and therefore so it may be to Sheriffs, though there were none. To this it is answered, that *Henry 2d*, having great territories in *France*, had with him, no doubt, many of the *French*, who served him in his wars; and it might easily be proved, if it were needful, that many *French* upon the Conquest were placed in *Ireland*, from whom many of the old *English* derive their Pedigree; and that the *Normans* were in *Ireland* soon after the Conquest appears in *Cambrensis lib. 2. de expugnatione Hib. Chap. 38, 39.* Therefore it seems there was care taken to direct this Grant to all both to Officers and Sheriffs and Justices, and to all other the King's Subjects, *English, French, and Irish*, that all may take notice of it. Out of this Patent we may observe, First, That altho' *Henry 2d* had before this Patent given *Ireland* to his Son *John*, and by this Patent reserved a tenure to him, and his Son, and their Heirs, of part of the lands granted, by which it appears he intended not to exclude himself of the Sovereignty of any part of it, yet of other part of the lands granted he reserves the tenure to

† *N. B.* The inquisitive Reader may be desirous to know how the foregoing Patent of *Hen. 2.* should be enrolled among the Rolls of the 11th of *Edw. 3.* indorset, *Antiquissima literæ patentes.* This seems to be cleared by a Memorandum entered in the Roll of 2d. *Edw. 2.* which says, that all the Chancery Rolls to the year 1300 were destroyed by an accidental Fire in the Abby of *St. Mary's Dublin* (which was then the Repository of them) except two Rolls of the same year, which were then delivered to *Walter de Thornbury*, Chancellor of *Ireland*, by the King's Writ. It seems therefore, that these *Antiquissima literæ patentes* of *Edw. 3.* were a collection of Letters Patent, which lay in private hands, and were attested from time to time by the proper Officers, and enrolled through necessity, the Originals being destroyed. And I am confirmed in this opinion, because they are a mixture of patents of divers of the preceding Reigns; and this also accounts for the Blanks left in the fore-recited Charter, the same being defaced by time in the hands of the private Proprietor.

himself

himself and his Heirs, without naming of *John*, to be done at his City of *Dublin*. Secondly, that himself only grants those lands, without his Son *John*; therefore it is plain, that he had not given the whole land and the sovereign Power he had in and to *Ireland* wholly to his Son *John*, so as to divest himself of all royal power therein; for then could not he have granted away any part of it, neither is there so much as any likelihood that in those times it was so conceived. For *Cambrensis* in the place before cited calls *Henry 2d Summum Principem*, chief Prince, and that he Committed the Government to *John de Coursey*, which was after *John* was in *Ireland*, and called back by his Father. Thirdly, by this likewise it appears, that *Henry 2d* introduced the *English* laws into *Ireland*; for he made grants according to the laws of *England*, and reserved *English* tenures upon them.

Likewise that there were Counties in *Ireland* before the 12th of King *John*, (which is the time the Author limits for the first giving of the Laws of *England* to *Ireland*) is apparent by a grant made by King *John* to the City of *Waterford*, dated at *Marlebridge*, 30, *Julii* 7th of his Reign, whereby he grants,

| | |
|--|--|
| <p>‘ Civibus nostris Civitatis ‘ nostræ <i>Waterford</i>, infra muros ‘ dictæ Civitatis manentibus, ‘ totam civitatem nostram de ‘ <i>Waterford</i>, cum omnibus per- ‘ tinentiis; et quod prædicti ‘ Cives, et eorum hæredes et ‘ successores in perpetuum ha- ‘ beant metas suas, sicut pro- ‘ batæ fuere per sacramentum ‘ fidelium hominum, (viz.) ‘ duodecim de ipsâ Civitate, ‘ et duodecim extra, per præ- ‘ ceptum Regis <i>Henrici</i>, Patris ‘ nostri.’</p> | <p>To our Citizens of our City of <i>Waterford</i>, remaining within the walls of the said City, all our said City of <i>Waterford</i>, with all the appurtenances; and that the said Citizens, and their Heirs and Successors for ever, shall enjoy their bounds, as they were proved by the Oaths of faithful men, namely, 12 of the said City, and 12 without it, by precept of King <i>Henry</i> our Father, &c.</p> |
|--|--|

And then he lays out the mears and bounds thereof in that patent, and after he grants, that—*ipsi Cives, et eorum hæredes & successores in perpetuum habeant omnes libertates, et liberas consuetudines subscriptas; Libertates autem quas eis conceessimus, sunt, &c.*—That the Citizens, and their heirs

heirs and successors for ever, should have all the Liberties and free Customs underwritten; and the Liberties which we have granted them are these.—And then he recites many privileges and liberties granted to them concerning the trial in appeals, that it should not be by Duell but by the Oaths of twelve men, concerning the chusing of a Provoost every year, and that he should hold Pleas in his hundred of lands and tenements, debts, accounts, and other contracts; that they shall be free from Toll, passage, murage, &c. and many other things concerning wardships, and the having of waiffs, strays, and Felon's goods, Deodands, and many other privileges and immunities, and, amongst the rest, is this clause,

‘ Concessimus etiam præfatis
 ‘ Civibus, et eorum hæredibus
 ‘ & successoribus in perpetuum,
 ‘ quod nulli Justiciarii nostri
 ‘ Itinerantes, nec alii Justiciarii
 ‘ ad assisas Capiendas in *Comi-*
 ‘ *tatu Waterford*, nec aliquis
 ‘ alius Minister, nec hæredum
 ‘ vel successorum nostrorum, in
 ‘ futuro vexent, aut aliquis
 ‘ eorum vexet, nec venire com-
 ‘ pellent, seu aliquis eorum in
 ‘ futurum venire compellet
 ‘ præfatos Cives, seu eorum ali-
 ‘ quem, hæredes seu successo-
 ‘ res suos, coram eis, seu eo-
 ‘ rum aliquo, extra Civitatem
 ‘ prædictam, tam ad sectam
 ‘ nostram, hæredum seu succes-
 ‘ sorum nostrorum, quam ad
 ‘ sectam quorumcunque que-
 ‘ rentium; sed faciant quicquid
 ‘ ad eos pertinet præfatis civi-
 ‘ bus, et eorum hæredibus et
 ‘ successoribus, infra eandem
 ‘ civitatem, secundum Justi-
 ‘ tiam.’

We have granted also to the said Citizens, and their Heirs and Successors for ever, that none of our Justices Itinerant, nor other Justices for taking assizes in the County of *Waterford*, nor any other Minister of us or our heirs, or successors, or any of them, should for the time to come molest, or oblige the said Citizens, or any of them, their heirs or successors to appear before them, or any of them, without the bounds of the said City, either at the suit of us, our heirs or successors, or at the suit of any other complainants; but that they should do whatever belongs to them to the said Citizens, and their heirs and successors, within the bounds of the said City, according to Justice.

And

And then saith the patent,——*hæc omnia eis concessimus, &c.*—All these things we have granted to them. This patent in a great part of it is only a recital and confirmation of the liberties formerly granted to the Citizens of *Waterford*—(*libertates, antea quas eis concessimus, sunt hæc*)—The liberties which we formerly granted them are these. It appears by it, that long before the 7th year of King *John* they had former grants of these liberties, among which by this grant it appears to be one, that they should not be compelled by the Justices Itinerant, or Justices of Assize, in the County of *Waterford*, or other Minister, to answer before them in any suits, but only within their City; therefore it is evident, that there was the County of *Waterford* before the 7th year of King *John* in *Ireland*, and then King *John* did not in the 12th year of his reign first make these 12 Counties, which the Author before names, of which *Waterford* is one; and that before the 12th of King *John* the Laws of *England* had footing in *Ireland*. For by this Patent of King *John* it is plain, that they had Justices Itinerant, Justices of Assize, and other Ministers of Justice, and the Laws of *England* exercised and executed amongst them, and that these liberties mentioned in this patent were in the said 7th year of King *John* confirmed to them; and therefore they had them granted to them before.

And that the Laws of *England* were given to them of *Ireland* by *Henry* 2d. is testified by *Matthew Paris* (o) in (o) Edit. ult. p. 126. express words.——*Henricus secundus* (saith he) *apud Lismore Concilium congregavit, ubi leges Angliæ gratanter ab omnibus sunt receptæ, et juratoriâ Cautione præstitâ confirmatæ*—*Henry* 2d. (says he) assembled a Council at *Lismore*, where the Laws of *England* were willingly received by them all, and (p) were confirmed to them, upon taking their (p) Hist. Hen. 2. Fol. 83. Oaths; with which *Daniel* in a manner agrees, telling us, that *Hen.* 2d. went from *Waterford* to *Dublin*, where he held an assembly of all the subject Kings, with the Lords spiritual and temporal of *Ireland*, for the further ratification of their allegiance, and the ordering and reformation of the state.

We find it also agreed by all our histories of that time, that *Henry* 2d. made a Reformation of Church affairs, and that from thenceforth all divine things should be ordered according to the manner of the Church of *England*, and

confirmed sundry good statutes made in a Synod at *Casbel*, which was called thither by his command; and therefore, doubtless, he would not neglect to provide Laws for the civil Government, but gave them likewise the laws of *England*, as *Matthew Paris* saith, to be governed by, which they willingly received, and swore to obey. And to put it out of doubt that *Hen. 2.* both gave them laws, and also made statutes for their Government, besides what is proved by the former Records, and by what *Matthew Paris* and *Daniel* say, there is an exprefs statute in *Ireland*, which will plainly prove in. It is in *Rot. Pat. 2. Rich. 3. Chap. 8.* in these words.

Item. Al requisition del
 Commons, que l'estatute de
Henry Fitz-Emprice ordeine
 pur lelection de Gouverneur
 de *Irland* in cest terre, en as-
 cun temps qu'und l'fortuner
 de estre void de ascun loyal
 Gouverneur, per autorite de
 ceste Parliameat soit confirme,
 ratifie, & adjudg e bone et ef-
 fectual en ley; Et que *Tbo.*
Fitz Gerald, Chancellier d'
Irland, Sir *Roland Fitz Euf-*
tace, Treasorer de *Irland*,
Philip Bermingham, chiefe
 Justice de chiefe place le Roy
 d'*Irland*, *Tbo. Plunket* Chiefe
 Justice le common Place le
 Roy in *Irland*, *Oliver Eufstace*,
 Chiefe Baron de Exchequert
 le Roy in *Irland*, ou son De-
 putie pour le temps esteant,
Tbo. Doudall, Clerk & Gar-
 dein de Rowles et Records le
 Roy de Chancery de *Irland*,
John Estrete, Serjant le Roy
 a ses leys in *Irland*, et che-
 scun d'eux severlament, par
 autorite de cest Parliament,
 soient adjudge pleinment en
 chescun de lour several offi-
 ces

Also at the request of the
 Commons, that the statute of
Henry Fitz Emprice (i. e. *Hen-*
ry 2d) made for the election of
 a Governor of *Ireland*, when
 it shall happen to be void of any
 lawful Governor, be by the
 authority of this Parliament
 confirmed, ratified, and adjudg-
 ed good and effectual in Law;
 and that *Thomas Fitz Gerald*,
 Chancellor of *Ireland*, Sir *Ro-*
land Fitz Eufstace, Treasurer of
Ireland, *Philip Bermingham*,
 Chief Justice of the King's
 Bench of *Ireland*, *Thomas Plun-*
ket, Chief Justice of the Com-
 mon pleas of *Ireland*, *Oliver*
Eufstace, Chief Baron of the Ex-
 chequer of *Ireland*, or his De-
 puty for the time being, *Tho-*
mas Dowdall, Clerk and keeper
 of the Rolls and Records of the
 King of the Chancery of *Ireland*,
John Estrete, the King's Ser-
 jeant at Law in *Ireland*, and
 every of them, by authority of
 this Parliament be adjudged
 fully to hold severally their se-
 veral Offices for their lives, any
 manner of matter, cause, or
 thing,

ces severalment, a aver & tener chescun de eux severalment son office pour terme de sa vies, ascun maniere, matter, cause, ou chose ewe ou destre ewe a contraire nient obitant. Et que per mesme l'authorite il bien luist al eux, ou le greinder part de eux, come a tous auters maniere Persons ou le greinder part de eux, que issint severalment averont & teigneront ascun de les dit offices par reason de mort de ascun Officer de les dit offices, par done desouth les tesmoigne de *Gerald Count de Kildare* en ascun maniere come Gouverneur de cest terres; accorde le tenor, usage, & execution del dit statute de *Henrie Fitz Emprice*, ove l'assent de Nobles de cest terre, accordant come elle est specifice en mesme statute, sur chescun tiel avoidance de estre ewe de eslier un noble Senieur de estre Gouverneur, et eit le Government come Justice le *Irland*, ceo de aver et enjoyer accordant al auntient usage, use et execute dont ceo temps. Et que par mesme l'authorite il bien luist a chescun tiel Gouverneur issint essie a tenir Parliaments, & Graundes Counsails, et que ils fair que le Leys de ceste terre pur le bone publique de mesme duement loint exercises en le mesme, et executor in tout maniere, come per ascun maniere Gouverneur de mesme il ad estre fait done et exercise, et ce destre adjudge libien

thing, had or to be had, to the contrary notwithstanding. And by the same Authority, that it be lawful for them, or the major number of them, as well as for all others, or the greater number of them, who shall so severally hold any of the said offices, by reason of the death of any Officer, by grant under the teste of *Gerald, Earl of Kildare*, in any manner as Governor of this land, according to the tenor, usage, and execution of the said statute of *Henry Fitz Empriss*, with the assent of the nobles of this land, as is specified in the said statute, upon every such avoidance, to chuse a noble lord to be Governor, and to have the Government as Justice of *Ireland*, to hold and enjoy according to the antient usage used and executed from that time. And by the same authority, that it shall be lawful for such Governor so chosen to hold Parliaments and great Councils, and that they shall cause the laws to be executed for the weal public of this land, as by any other Governor has been done and exercised, which shall be adjudged as good and effectual in law, as if done by any other Governor in any times passed. Provided that the said election be always made by the Lords spiritual and temporal, and the nobles of the said land, and provided also, that no Parliament do begin only once in every year.

By

† sibi en et effectuel en leye,
 † come ascun tiel que ad estre
 † per ascun maniere Gouver-
 † neur de ceste terre en ascun
 † temps passe. Periffant que le
 † dit election soit fait chescun
 † fois par le Seigneurs l'Espe-
 † ritels, et temporels, et de no-
 † bles del dit terre. Et perif-
 † sint auxi que nul parliement
 † soit commence lorsque un fois
 † per an.'

By this statute it appears, that *Henry 2d* made laws and statutes for *Ireland*; for in the beginning thereof the words are, that the statute of *Henry Fitz-Empress* ordained for the election of Governors, &c. so that by the pointing out of that statute in particular concerning the Government, which they meant to confirm, from other statutes, it is clear that there were other statutes likewise made by him for *Ireland*, which did not concern the chusing of a Governor. So likewise afterwards in this statute, when the Chancellor, Treasurer, &c. were by this act settled in their offices for life, this act gives them, or the greater part of them, power, according to the tenor, usage, and execution of the statute of *Henry Fitz Empress*, with the assent of the Nobles of the land, according as is specified in that statute, upon every such avoidance to be had, to chuse a Noble Lord to be Governor, &c. By which words we may be well assured, that *Henry 2d*. did first institute the Courts of Justice in *Ireland*, and made there his Chancellor, Treasurer, Justice, &c. and did appoint them, with the Nobles of the land, to chuse a Governor, when that place was void. For the words are, that they, according to the tenor, usage, and execution of the statute of *Henry Fitz Empress*, and as it is specified in that statute; therefore if they must do it according to the tenor of that statute, and as it is therein specified, it must necessarily follow, that the Chancellor, Treasurer, Chief Justice, &c. are named particularly in that statute; else how could it be according to the tenor thereof, that they must do it, and as it is therein specified? or how could the ancient usage and execution thereof be according to that statute? And if the tenor, and antient usage, and execution of that statute

statute of *Henry* 2d. was, that these great Officers, with the Nobles, should make an election, then of necessity it must follow, that at the time of the making of that statute there were such Officers for *Ireland*, as Chancellor, &c. and who doubtless did after administer the laws of *England* for the subjects there; with which agreeth the statute of 33. *Hen.* 8. in *Ireland*, which saith, that since the conquest the law was, that the Council should elect a Justice, and of the Council have these great Officers always been.

33. *Hen.* 8.
Sess. 2. Cap.
2.

To conclude this point, we have the resolution of both houses of Parliameht in *Ireland* in a Session held there the 12th of May 1641, which themselves call the declaration and protestation of the lords spiritual and temporal, and Commons in Parliament assembled, which is entered in their journal books; in the beginning of which declaration there are these words (*viz.*) That in the reign of King *Hen.* 2. the Common Law and lawful customs of *England* were received, planted, and established in this his Majesty's Kingdom of *Ireland*.

And whereas the Author cites a Record out of Coke, Lit. Fol. 141 to prove, that King *John* first gave the laws of *England* to *Ireland*, because the Record saith.

| | |
|--|---|
| <p>• <i>Vestra</i> audivit discretio, • quod quondam, bonæ memo- • riæ, <i>Johannes</i>, quondam Rex • Angliæ, Pater noster, venit in • <i>Hiberniam</i>, ipse duxit secum • Viros discretos, & legis peri- • tos in <i>Hiberniam</i>, quorum • communi consilio, et ad instan- • tiam <i>Hibernensium</i>, statuit & • præcepit leges Anglicanas in • <i>Hibernia</i>, ita quod leges eas- • dem in scripturas redactas re- • liquit sub sigillo suo ad scac- • carium <i>Dublin</i>.</p> | <p>Your wisdoms have heard, that heretofore <i>John</i>, King of <i>England</i>, our Father, of happy memory, came into <i>Ireland</i>, and carried with him discreet men, knowing in the laws, into <i>Ire-</i> <i>land</i>, by whose concurrent ad- vice, and at the instance of the <i>Irish</i>, he settled and established the laws of <i>England</i> in <i>Ireland</i>, and left the same Laws reduc- ed into writing under his seal at his Exchequer in <i>Dublin</i>.</p> |
|--|---|

This (considering what has been said before) rather proves, that the *English* Laws were first given by *Hen.* 2. but after by King *John* reduced into writing, and left at his Exchequer in *Dublin*. For we do not find that King *John* erected

ted any Courts of Justice there; but in his Reign, when he came thither, he left the Laws in writing at his Exchequer in *Dublin*. Therefore, in all likelihood the Exchequer and other Courts were there before he came thither. And (as the saying is) nothing is begun and perfected at once, so we may well conceive, that altho' *Hen. 2d.* gave them the laws of *England*, and erected Courts and Officers there; yet being done presently upon the Conquest, and upon the end of the war, neither had he enough of learned men in the laws present with him, who commonly follow not the war, nor could the meaning of all the laws be exactly understood, used and practised by them suddenly, nor could they know the ways perfectly how they should be executed; and this being very troublesome to all, at the instance of the *Irish* (as the Record saith) or of the *English*, who accounted themselves *Irish*, many of them in 38 years being there born, King *John* brought over learned men, who should settle the laws, and bring them into due course, form, and order, and leave them to the people, and direct the execution of them as they were in *England*; and in that respect it may be well said, that—*statuit & præcepit leges*,—he appointed and established the laws, as also, because he put them into writing, and left them there in his Court of Exchequer for their better directions. And that this is the meaning of that Record somewhat clearly appears. For we find by the Histories of King *John's* time, that in the 12th year of his Reign he came into *Ireland*, and landed at *Waterford* with a great Army, which he brought against the *Irish*, who were then universally in rebellion, and after came to *Dublin*, where many of the *Irish Reguli*—petty Princes—came in—and submitted to him, and did him homage and fealty. There he caused *English Money* to be coined, marched into the land, and took divers fortresses and strong holds from his enemies, and did many things there for the reformation of the state, and then, after three months stay only in *Ireland*, he returned into *England*. Now it cannot be truly imagined, that he could do all these great matters, and also give them laws in writing, erect Courts of Justice, and settle all the Civil government in three months; and therefore we may well conclude, that he did only perfect what his Father had begun, and there-
upon

upon be accounted the giver of laws to the *Irish*; as in the building of colleges, though the foundation of the work be begun by one, yet he that comes after, and finishes it, hath oftentimes the reputation and name of the founder and builder of it.

From all which it is evident, that *Hen. 2d.* first gave the laws of *England* to *Ireland* upon the conquest thereof; by which an Union was made of it to *England*, and that these laws were used there long before King *John* was King, and that King *John* did not first give the laws of *England* there in the 12th year of his reign, as the Author would have it; that before that time, the antient laws of *Ireland* were there, and thence it must necessarily follow, that King *John* did not receive that kingdom from his Father without any laws before given them, or as a separated and divided kingdom from *England*, with which they had nothing to do, or that he did after establish the laws according to the model of *England*. Whereupon it must needs also follow, that the Author's discourse falls all in pieces, and is nothing to the purpose that he would have it.

And whereas the Author saith, that the laws of *England* had not any footing in *Ireland* till the 12th of King *John*, and therefore the Kingdom of *Ireland* could not be subordinate to the Kingdom of *England*, nor could the Parliament there extend their jurisdiction into *Ireland*. To this I answer, that it appears by what hath been said, that the laws of *England* were established there in *Hen. 2d's* time; but if it were admitted, that they were not, yet by the very Conquest there was a degree of union of the two kingdoms, as Sir *Francis Bacon* (q) concludes, upon which we may substantially ground this position (upon what he had formerly said) that the Common Law of *England* upon the adjunction of any kingdom to the kingdom of *England* doth make some degree of union in the Crowns and kingdoms themselves; and if the Parliament of *England*, as the Author saith, could not extend their jurisdiction into *Ireland*, to what purpose was that supposed grant by *Henry 2.* to *John* done by Parliament, as the Author in the beginning of his book saith it was, or by authority and assent of Parliament, as presently after in his answer to his own second question he saith it was; which, if any such like thing were done, though

though without doubt not in that manner he would have it to be. it is plain that from the very Conquest, by his own confession, the Parliament of *England* had power over *Ireland*. Concerning the Author's reason, that a kingdom conquered is not subordinate to a kingdom conquering; for then, saith he, *England* should have been subject to *Normandy* by King *William's* conquest, it is answered, that by all that he hath cited out of others it appears, that if the Conqueror will subordinate the kingdom conquered to his other kingdom, and give them the same laws, they must be governed accordingly by them. And that was the cause why the Parliament of *England* did fear, when *Edw. 3.* had the title of the Crown of *France* devolved to him, and had changed his Stile, Arms and Seal, that the realm of *England* might become subject to the realm of *France*, or to the King, as King of *France*, because *Normandy* had conquered *England*, and *Normandy* was feudatory to *France*; therefore, because the Seigniorie of *France* was now united with the Tenancy of *Normandy*, and that *England*, in regard of the conquest, might be taken as a perquisite to *Normandy*, they had some probable reason to fear, that the Kingdom of *England* might be drawn to be subject to the realm of *France*, and therefore was that statute of the 14th of *Edw. 3.* chap. solo, made against it. See Sir *Francis Bacon's* argument of the *Postnati*, p. 21. Though in that case of *Normandy* it could not be so. For King *William* did not come into *England* by absolute conquest, as the Author seems to infer, nor did he claim any power by conquest, but as a regular Prince submitted himself to the orders of the kingdom, and desired rather to have his testamentary title to make good his succession, than his sword; and therefore took his personal oath to observe the antient laws of the realm established by his predecessors, and especially those of *Edward the Confessor*. And therefore that case is not to be compared to this of *Ireland*, where the conquest was absolute, and the land annexed to the Crown of *England* both by the Common Law, and by the aforementioned antient statute; and where the laws of *England* were given them, by which they always were, and yet are governed.

The

The 2d question made by the Author is, that admitting *Ireland* were inseparably annexed unto *England*, or subordinate to the jurisdiction of that Parliament, whether by the grant of King *Henry* 2d to his Son *John*, the same be not separated and disjointed from the Kingdom of *England*, and thereby the regal power by King *Henry* 2. were not totally transferred to his Son. To which he answers; that although *Ireland* had by the conquest *ipso facto* been united to *England*, as he saith it was not, yet the said Union is not so inseparable, but it might be, and was separated, by the grant of King *Henry* 2d; wherein we are to consider, saith he, not only the bare grant itself, but the circumstances and solemnities of it, &c.

To this it is said, that the Author makes this question by way of admittance: For his first question is, whether upon the conquest by *Hen.* 2d immediately the Kingdom of *Ireland* were inseparably annexed unto *England*, and this his second question is, admitting that it were, whether by the grant of King *Henry* 2d to his Son *John*, the same be not separated? To which he saith, the Union is not so inseparable, but that it might be, and was separated. How these two can hang together, that admit it was inseparably annexed, yet that it might be separated, can be well conceived? For if it might be separated, then it was not inseparably annexed, and therefore the question is to no purpose, or else his answer gives no satisfaction to it. For that which he admitted to be inseparable, he presently again denies, and says it is separable, and was separated; which that it was separated he never can be able to prove, as was formerly in the beginning of this treatise shewed; and for the circumstances and solemnities of his supposed grant they are likewise formerly answered, and need no more repetition of them.

The Author's third question is, in what capacity King *John* established the laws of *Ireland* to be according to the laws of *England*, he being King of *England* by descent from his Brother *Richard*, whether by any power from the donation of his Father; or by vertue of the descent from his Brother. To which he answers, that of necessity it must be by the regal power he had by the donation of his Father, and not by any power descended to him from his Brother, who (saith he) had none in *Ireland*; because it was before the descent
of

of the Crown of *England* to him given by his Father King *John*.

To which it is answered, that all he says is utterly denied. For it is before plainly proved, that there was no such absolute donation from *Hen. 2.* to *John*, but that he had *Ireland* by descent from his Brother *Richard*, and by that title he confirmed and regulated the laws in *Ireland*, which were first given them by his Father, and not by any regal power, which he had before he was King of *Ireland*.

And whereas the Author; upon his answers to his own questions; concludes, that *Ireland* is a free and distinct kingdom of itself; and in his answer to his second question insists much upon it, and cites *Calvin's* case for proof thereof; we shall grant him, that in divers respects *Ireland* is a separate and distinct kingdom, and divided from *England*; as a Fine in *England* shall not bar them that are in *Ireland*, &c. But tho' the kingdoms are separate, yet the Dominion and Government thereof is not separate from *England*, as is plainly before proved; and it is not the situation of the country, or because the sea runs between them, that makes a separation of the Government. For then we may on the contrary as well conclude, that *Scotland* is subject to the Parliament of *England*, because it is within the same island with *England*, and not divided from it.

If the King of *England* should conquer any territories beyond sea, and give them the laws of *England*, and annex them to the Crown of *England*, I think none will say, that the distance of place will shake off the Power of the Government of *England*; no more will it do that of *Ireland*.

In a natural body there is a distance of place betwixt the head and the other members, as the head and foot; and yet there is a knitting of the members to the head, else could not any spirits be derived from the head to them. So it is in this case of *Ireland*, which being a member of the Crown of *England* is knit unto the same, and receives spirits (that is laws) from them: And therefore, if we consider *England* and *Ireland* as one body politic (which is not in all things to be compared to a natural body) and as *Ireland* is a member of the politic body of *England*, we may truly conclude from all that hath been said, that *Ireland* is under the jurisdiction

jurisdiction of the Parliament of *England*, and subject thereunto.

After the Author hath made his three questions, and answered them, as you have heard, he says, it will be necessary for our further satisfaction to know by what law it is, that the statutes made in *England* should bind in *Ireland* without the approbation of the Parliament there, whether by the Common Law, Statute Law, or any other law. If by the Common Law, it must have two qualities, First, reason for its foundation and beginning; Secondly, time for its life and continuance.

To which it is answered, that by the very conquest there was an union of *Ireland* to *England* by the Common Law, and so being a member of *England* it was subject to the laws of *England*, and also by giving them the laws of *England*; and it was also subjected to the laws of *England* and statutes thereof by the confirmation of the union betwixt them by the statute cited in the said Roll of the 30th of *Hen 3.* before remembered, by which *England* and *Ireland* were united, and were to be governed by the same laws, and by that other recited statute, that there should be the same law both for the *English* and *Irish*. And for the time that this hath been so, it appears by the forenamed Records to have been always so used. And for his reasons that it should not be so, because it is no reason, that the subjects of *Ireland* should be bound by laws whereto they are not parties or privies, and that if it should be so, the Parliaments of *England* might at their pleasure disinheret the subjects of *Ireland* of their lands, honours, &c. they are before answered in the answer to his inconveniencies, where he alledged the same reasons, and therefore might have spared them now.

The Author also tells us, that *St. Germain* (r) saith, that (r) Doctor the law of *England* is grounded upon six principal grounds, and Student some of which himself saith are not pertinent to this purpose. Lib. 1. Cap. 4.

His first ground is, that it must be grounded upon the law of reason, which (saith he) this law, if it were so, is not, and tells us the same reasons, which have been before answered, as is said just now.

His second ground is, that it must be grounded upon the law of God; and it is most certain (says he) nothing can be

found in the law of God to prove, that the statutes of *England* should be binding laws in *Ireland*.—A weak argument ; for neither can any thing be found in the law of God to prove, that the statutes of *England* should not be binding in *Ireland*, which is answer sufficient to such a reason, which is not worth answering.

The third ground is, the general customs of the realm, which (saith he) will altogether fail in this case. For from the 12th year of King *John*, until the 1st of *Hen. 7.* which was almost 240 years, this doctrine was not so much as dreamed of (which whether it were so or no appears before) until *Hussey* bestowed it upon *Ireland*, and then after taxes the Lord *Coke* for the same opinion, which being answered before needs no repetition.

But yet he hath not done with *Coke*. For saith he, *Coke* in the second part of his *Institutes* fol. 2. will not allow the statute of *Magna Carta*, (which in his whole discourse of the exposition thereof he holds to be but an explication of the antient Common Law) to be of force in *Ireland* till the 10th of *Hen. 7.* wherein he was exceedingly mistaken. For King *John* established the Common Law of *England* in *Ireland*, and the statute of *Magna Charta*, being nothing else but the Common Law, if these were not established nothing was but a shadow, and then was *Ireland* almost 250 years destitute of the benefit of the laws of *England*, which (saith he) is a great oversight ; and therefore, as the Lord *Coke* hath mistaken the law in *Calvin's* case, so hath he done in this of *Magna Charta*.

The Author, in charging the Lord *Coke* with great oversights and mistakes, shews himself at least to be overseen and mistaken in this his very Charge. For the only mistake of the Lord *Coke* is, that he conceived that *Magna Charta* was not of force in *Ireland* till the 10th of *Hen. 7.* which is only a mistake of a matter of fact ; for in truth we find that statute was given to them of *Ireland* in the first year of *Hen. 3.* and all the Chapters thereof (except three or four of the last Chapters) are entered in the Red Book of the Exchequer of *Ireland*, where in the beginning, after the King's stile recited, he saith—*Imprimis concessimus Deo, et hac præsentì Chartâ nostrâ confirmamus pro nobis & hæredibus nostris in perpetuum, quod Hibernica Ecclesia libera sit*

fit &c.—First we have granted to God, and by this our Charter confirm for us and our heirs for ever, that the Church of *Ireland* be free.—Sir *John Davis* (s) cites a Record in the Tower 1st *Hen.* 3. Memb. 13. of the like^(t) 101. Charter of Liberties granted by *Hen.* 3. to his Subjects in *Ireland*. as himself and his Father had granted to the Subjects of *England*; but yet this mistake is only for that *Coke* was not informed of that matter of fact: but the Author's mistakes, if you will call them no more, are of another nature. For he saith, that the statute of *Magna Charta* is nothing else but the Common Law; whereas, it is evident it is nothing so, as we may see in *Coke*, (t), where it is expressly affirmed, (r) 8. Rep^t that divers parts of the statute of *Magna Charta* do cross^{fol. 19.} and change the Common Law: and altho' the Author saith, *Prince's* Case, that *Coke*, in his whole discourse of the statute of *Magna Charta*, holds it to be but an explanation of the antient Common Law, yet it is most apparent to any that shall read, that he holds the contrary in many things, and shews in many particulars how that law differs from the antient Common Law: as *Chap.* 11. concerning the Court of Common Pleas, *Chap.* 12. for returning Writs of *Assize*, *Chap.* 14. upon which the Writ *de moderatâ misericordiâ* is grounded, *Chap.* 36. concerning merchants, *Chap.* 32. concerning alienation of Lands, *Chap.* 34. concerning Appeals, *Chap.* 36. concerning Grants to religious houses: by which it appears still more and more, that the statute Laws of *England* were given to *Ireland*, as well as the Common Laws, and this being received there as well as the Common Law, therefore it must needs follow, that both Statute and Common Law were given to *Ireland*, which they received, and were thereby bound. But because *Coke* was mistaken in one matter of fact, which came not to his knowledge, therefore he was mistaken, as the Author saith, in *Calvin's Case*, (*viz.*) (that the laws of *England* do bind in *Ireland*, if *Ireland* be named) doth no more follow, than if we should say, the Author was mistaken in affirming confidently, that never any judgment was given in *Ireland* upon a statute made in *England*, which is a meer positive law, before the same was received and allowed by the Parliament in *Ireland*, and therefore so he is in the rest of his discourse.

The 4th and 5th ground, which the Author cites out of *St. Germain*, are maxims and particular customs, which he confesseth are not pertinent to the matter in question.

The 6th and last ground is Statute Laws ; and most certain it is, says he, that there is not any statute extant either in *England* or *Ireland*, whereby it is enacted, that any statute made in *England* should be of force in *Ireland* before the same were enacted in *Ireland* ; wherein to prove how greatly the Author is mistaken, the Reader is referred to the statutes before recited, and to the former part of this Discourse.

The Author at last begins to draw to an end, and saith, " that because *Ireland* is a body politick of itself, consisting " of Kings, Peers, and Commons, in such sort as the Peers " and Commons of *England* cannot be any part thereof, " no more than the Peers and Commons of *Ireland* can be " members of the body politick of *England*," it cannot stand either in law or common reason, that one body politick should be subject to the controul of another : For then the King, which is the head of the one and the other, should be both superior and inferior to himself, and his royal and politick Government ; which in itself is altogether repugnant.

The Author's reasoning is still of one and the same kind. For it doth not follow, that tho' the Parliament of *Ireland* be a body politick of itself solely considered, therefore *Ireland* cannot be part of the whole body politick of *England*, in which *Ireland* is comprehended, as a member. For though the Peers of *Ireland* be not Peers of the Parliament of *England*, yet all the whole Kingdom of *Ireland*, Peers and Commons, is but a member of *England*, having respect to the whole politick body thereof. And therefore, whereas the Author saith, that one body politick cannot be subject to the controul of another, doubtless, he is mistaken. The City of *London* is a body politick, and hath divers Laws made, and Grants confirmed to them by Parliament, as they are a body politick, and yet they are subject and subordinate to the Parliament ; and, as *London* and *Dublin*, and other Corporations have their Mayor, Court of Aldermen, and Common Council, none of which, as they are part of their body politick only, can be members of Parliament, nor any of the members of Parliament, as members of Parliament, can be members of their Corporation, and yet are all subject to the Parliament : and so of *Ireland*, they
are

are a body politick in the Parliament of *Ireland*, and yet none of them can by vertue thereof be members of Parliament of *England*, nor any of the members of the Parliament of *England*, as members of the Parliament there, can be members of the Parliament of *Ireland*; and yet all *Ireland*, considered as a member of *England*, are subject to the laws of *England*.

County Palatines are subject to the Parliaments of *England*, and to their controul; and yet I think that the Author will not deny, that in a County Palatine there is a body politick.

But faith the Author, if this should be so, then the King should be superior and inferior to himself in his regal and politick Government. To which, it is again said, that yet his argument follows not, neither can any such thing be truly inferred therefrom, any more than if he should say, because the King is the head of the Parliament in *Ireland*, as a body politick, and also of the Parliament of *England*, therefore there are two several bodies that have but one head.

In a natural body if we consider only the head and the hands; the head is head of that hand, and yet is not so only of the hand, but it is head also of the whole body. So if we consider the King, and the politick body of *Ireland*, the King is head thereof, and yet he is not so only of them, but he is head also of the whole politick body of *England*, and *Ireland*, which body consists of both Kingdoms, thus considered without any relation to superiority or inferiority: and if the King will dispense his Grace to one part of the body, it doth not thence follow that the King is inferior to himself; and, unless the Author can make it a good argument, that the King cannot do an act of a high nature to all, and an act of the same or a meaner nature to some, but that he must be superior and inferior to himself, his argument cannot be good.

The King upon misinformation grants a Patent, &c. and after, being truly informed, — *jure Regio* — by his Royal right — he revokes the same, he doth both these as King, without being superior or inferior to himself. There is a judgment given in the King's Bench, which is supposed in law to be by the King himself, this judgment is after reversed in Parliament, where there is the same supposition, and both these done in his royal capacity, shall any man
say

say therefore, that the King is superior or inferior to himself in his government, more than if a natural man should do any particular act, and after do the contrary? And therefore the Author mistakes in making the comparison in the Person, whereas, it should be in the things done by the Person. A man may do a thing of a high nature, and another of a low, or a thing contrary to that which he first doth, and yet be the same man. A man may give a pound to one man, and a shilling to another, or 20*l.* to them both, which are divers acts, one greater than the other, and yet he is the same man without being superior or inferior to himself; and the difference is only in the things done by the man, and not in the man that doth them. So the King, as the head of the body politick of *Ireland*, considering *Ireland* alone without relation to *England*, may consent to laws which they would have made, and yet as supreme head of the body politick of *England*, of which *Ireland* is then to be considered as a member, and comprehended therein, may consent to laws which shall bind them all without any such repugnancy as the Author imagines.

The Author hath now done, and falls to his prayers, that God would preserve his Majesty to govern the Kingdom in peace, to God's glory, his own honour, and the welfare of all his good subjects, to which prayer, I doubt not, but all his subjects will with him heartily, as he desires, say, *Amen.*

It is again to be remembered, that which was formerly touched in this answer, what a derogation and diminishing of the King's power and authority, and what an alteration of his Government would happen to him, if the law were not so as is proved by this treatise. For though the law be, that the King and Parliament of *England* may make laws to bind *Ireland*, yet his Majesty may summon Parliaments in *Ireland*, and have such laws made there, as he and his Councils of *England* and *Ireland* shall think fit, according to the statute of the 10th of *Hen. 7.* and the 3d and 4th of *Philip* and *Mary*, without relation to the Parliament of *England*, and as, since the making of those statutes, have been usually done. But if the Parliaments in *Ireland* should be refractory, and would not pass such laws as his Majesty should think fit for them, though they were never so profitable, honourable, and just, both for the King and them, there were
no

no means to make them receive such laws, if the Parliament of *England* had not power over them; but they may refuse and reject all laws proferred to them, though never so good and wholesome for them. But the King and Parliament of *England*, having power over them to give them laws, if they should be obstinate, and refuse good laws, his Majesty hath thereby a lawful means to make such laws for them, as shall be thought fit by him and his Parliament of *England*; which power of his, by the Author's opinion and discourse, would be wholly taken away from his Majesty, though, as by this treatise appears, the Kings of *England* have always enjoyed and used the same.

F I N I S.